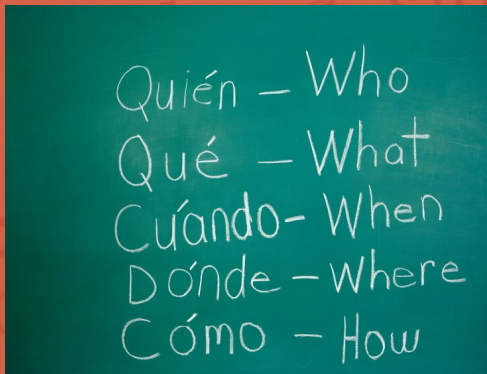
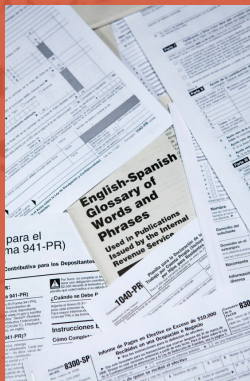


Eliminating Language Barriers for LEP Individuals

Promising Practices from the Public Sector

by Ted Wang



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In 2007, GCIR launched the **California Immigrant Integration Initiative (CIII)** to develop a comprehensive immigrant integration agenda and to strengthen the immigrant integration infrastructure across California. Its activities include:

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- Disseminating data and information to promote public discourse and response by diverse stakeholder groups, including but limited to, local and state policymakers, advocates, service providers, foundations, and businesses
- Encouraging the identification and development of public policy, as well as community-based and private-sector solutions to promote immigrant integration
- Promoting funder coordination, collaboration, and leadership to advance immigrant integration in California

Currently, CIII works to expand citizenship services, including ESL, legal services, and application assistance. CIII also works to increase the strategic communications capacity of immigrant organizations across the state.

In 2009, CIII launched **California Counts!** to encourage philanthropic investment to maximize the participation of immigrants and other traditionally undercounted populations in the 2010 census.

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1 INTRODUCTION

Changing demographics in the United States are leading government and the private sector to develop new ways to communicate with limited English-speaking individuals. Since 1990, the immigrant population has nearly doubled,¹ growing rapidly in almost every region in the country. As this population has expanded, so has the number of adults who are English language learners.² The U.S. Census Bureau reports that as of 2007, one out of five Americans was living in a household that spoke a language other than English at home,³ and 24.5 million residents over the age of five, almost nine percent of the U.S. population, were limited English proficient (LEP).⁴

As a group, immigrants are highly motivated to learn English, recognizing that it leads to better paying jobs and opens the door to new worlds and opportunities. But mastering a new language often takes years. Experts estimate that a minimum of 500 to 1000 hours of classroom instruction are needed before an LEP adult who is literate in his or her native language develops basic English verbal and literacy skills.⁵ The severe shortage of English-as-a-Second Language (ESL) classes in the United States adds to the challenges faced by adult English language learners. Because of high demand and few resources, many ESL programs turn away immigrants interested in improving their English skills (see sidebar).

Faced with large growth in their adult English learner population,⁹ many receiving communities have developed innovative programs to prevent these families from becoming economically or socially isolated as they learn English. A primary element has been to provide information to immigrants in their native languages – to ensure that they have access to public services that promote self-sufficiency, health, and safety.

In addition to benefiting immigrants, language assistance programs¹⁰ benefit the broader community. Untreated illnesses, for example, can endanger public health. Immigrants' inability to report workplace abuses can depress wages and deteriorate work conditions, lowering the standards



for all workers. Effective communications between police and LEP communities are especially important to protecting public safety. “When you don’t have language policies and protocols in place,” observed Chris Croce with the Summit County Sheriff’s office in Ohio, “you’re asking your employees to wing it, which can result in putting lives, health, and public safety at risk.”¹¹

Even as more public agencies adopt policies to improve LEP individuals’ access to governmental programs, knowledge of how to implement these policies effectively is relatively limited. With the exception of a few specific sectors, such as health care or the judiciary, most have yet to identify promising models or standards for operating language access programs. To help public agencies develop effective practices, The Annie E. Casey Foundation established the Language Access Practitioners Network in 2006, connecting otherwise isolated government practitioners that represent child and family serving agencies, as well as staff from mayors’ and governors’ offices who oversee immigrant-serving programs. The network included 60 government practitioners from states and localities that had adopted language assistance policies. Through convenings and regularly scheduled telephone conferences over

Helping Immigrants Learn English

While the focus of this report is on eliminating language barriers for LEP individuals, any strategy to improve communications with this population must also include English learning and address the shortage of high-quality English as a Second Language (ESL) courses for adults. State-administered ESL programs currently serve only about a million of the estimated 12.4 million LEP adults in the United States who need language instruction.⁶ The underfunding of ESL programs means that large numbers of immigrant adults who wish to learn English are unable to enroll in classes or face overcrowded classrooms. For instance, a 2006 national survey of ESL providers found that 57 percent of these programs maintained waiting lists – ranging from a few weeks to more than three years – and could not accommodate the high numbers of immigrants interested in learning English.⁷ Policy experts and organizations that work with adult English learners have proposed various strategies to increase the availability of high-quality ESL courses,⁸ but lack of political support at the national level—coupled with the current fiscal crisis—has weakened efforts to help immigrants improve their English skills.

a two-year period, participants shared promising practices; established a peer network to offer technical assistance and advice; created web-based resources and tools to help implement language access policies; and began developing practice standards for programs that provide social services or other assistance to low-income LEP families.¹²

This report draws on discussions within this network to describe the growth of language access programs at the state and local levels, and highlights key lessons learned from these practitioners' experiences. Chapter 2 provides an overview of comprehensive state and local language access policies enacted by jurisdictions in which the Casey network's participants work. Enacted through legislation or executive orders, these comprehensive policies apply to multiple agencies, requiring that they make their services and programs accessible to LEP individuals. Chapter 3 examines the growth of language access policies in public education and public safety, two sectors that have been responsive to demographic changes at the local level. Chapter 4 analyzes the challenges facing a wide range of public service providers and offers a check list for developing effective language



access practices. It describes concrete steps for expanding public agencies' capacity to communicate with and offer high-quality services to LEP residents. The final chapter highlights resources to support improved language access in public agencies.

2 PUBLIC SECTOR LANGUAGE ACCESS POLICIES: EMERGING INNOVATION AT THE STATE AND LOCAL LEVELS

Since the passage of Title VI of the Civil Rights Act of 1964, federal laws have required state and local governments, as well as other recipients of federal funding, to make their programs and services reasonably accessible to individuals who are not fluent in English.¹⁴ Yet, until relatively recently, many public agencies have ignored this responsibility.

In an effort to reduce language barriers in the public sector, President Bill Clinton issued Executive Order 13166 in 2000, requesting federal agencies to draft guidance to help recipients of federal funds carry out their Title VI responsibilities and develop practical ways to increase access by English language learners to their programs.¹⁵

The Bush administration subsequently reaffirmed Executive Order 13166 after the federal Office of Management and Budget (OMB) completed a cost-benefit analysis of the executive order.¹⁶ In its report, OMB concluded that

[i]mproved access to a wide variety of services – ranging from delivery of health care and access to food stamps to motor vehicle licensing and law enforcement – can substantially improve the health and quality of life of many LEP individuals and their families. Moreover, language-assistance services can increase the efficiency of distribution of government services to LEP individuals and may measurably increase the effectiveness of public health and safety programs.¹⁷

Following the issuance of Executive Order 13166, key federal agencies began to engage their grantees, including state and local public agencies, on eliminating harmful language barriers in their programs and services. For instance, the U.S. Department of Justice prioritized the monitoring and review of local law enforcement agencies. A number of police agencies responded by formalizing their language access procedures and developing new programs to improve communications with LEP individuals. Similar efforts were

The fundamental basis of government is its interaction with its citizens. If people don't know what we do... don't know how to get services, all the money that we're spending providing those services, providing those laws, is meaningless.

New York City Mayor Michael R. Bloomberg, in signing an executive order requesting city agencies to provide services in multiple languages¹³

undertaken by the U.S. Department of Health and Human Services to ensure that important health and social service programs were accessible to eligible populations regardless of their English language skills.

Although increased federal attention raised the visibility of language access issues at the state and local levels, another important factor has been the rapid growth in the immigrant population in communities across the country. Because large numbers of newcomers have limited English language skills and lack familiarity with U.S. culture, many public agencies have taken affirmative steps to bridge the communications gap.

The best examples of these changes can be seen in the health care sector. A combination of industry leadership, large philanthropic investments, federal funding, and the enforcement of civil rights laws have resulted in a number of innovative language assistance programs, industry-wide standards, and more cost-effective practices.¹⁸ A significant motivation for health care providers is that linguistically and culturally accessible services—especially preventive services—can lead to better health outcomes and lower health care costs.¹⁹ In addition, the enforcement of Title VI and other similar policies by federal agencies also has played an important role in helping health care providers understand their responsibilities in this area.

Public agencies in other sectors also have taken significant steps to improve their ability to communicate with LEP populations. Over the past decade, for example, many schools began translating written correspondence to parents and offering programs to increase participation by immigrant parents in their children's education.²⁰ Similarly, numerous police agencies have established multilingual 911 systems and developed procedures that provide interpreter services to officers in the field.²¹ Courts also have been active in this area as well; most provide interpreters



for criminal proceedings, and a growing number are offering such services in civil proceedings.²²

As the growth and benefits of linguistically accessible services have become better known, some communities have adopted *comprehensive* language access policies – through legislation or by executive orders – requiring their public agencies to become accessible to LEP residents. Comprehensive language access policies usually require most or all public agencies within a state or local jurisdiction to improve their capacity to communicate with and serve LEP residents. Although the details of these policies differ somewhat, they share a number of common elements aimed at overcoming language barriers. These include requiring public agencies to:

- Assess their constituents' language needs by identifying commonly spoken languages by local LEP populations, especially those that are likely to participate in their programs.
- Assess their capacity to communicate with and serve English language learners and identify areas for improvement (e.g., hiring more bilingual staff members, improving signage, developing multilingual telephone capacity, translating vital documents, etc.).
- Develop language assistance plans to improve communications with LEP individuals.
- Train staff members so that they know how to implement an agency's language assistance policy.
- Establish centralized resources or offices to provide technical assistance and monitor the implementation of language assistance plans.
- Conduct outreach to publicize the availability of language assistance services.

Discussions with policymakers and advocates in states and localities that enacted comprehensive language access policies suggest that these policies were intended to eliminate the haphazard manner in which many public agencies interact with English language learners. Supporters of these policies believe that their comprehensive nature offers a number of benefits:

- *A more holistic approach to addressing the needs of LEP families.* Most LEP families have multiple reasons for communicating with government agencies; when they have a problem, they often need to contact more than one agency. For instance, a family that reports a crime to the police will need to communicate with the prosecutor's office if criminal charges are pursued, and may need victim assistance. By establishing procedures to increase access across public agencies, comprehensive policies provide a more effective and holistic approach to helping LEP families interact with government.
- *A more welcoming environment for immigrants that helps with their transition to becoming new Americans.* Many newcomers come from countries where the government is feared, and their experiences often make them reluctant to seek services at public agencies in the United States. Eliminating language barriers and improving communications with newcomers can help create a climate to facilitate these immigrants' integration into local communities.
- *Consistency in the way public agencies communicate and interact with English language learners.* Comprehensive policies generally require public agencies to take specific steps to increase access and to develop consistent procedures for communicating with LEP persons. Well-defined policies help public agency employees understand their responsibilities, as well as provide them with specific protocols and resources

for serving people with limited English language skills.

- *Cost effectiveness and economies of scale.* The cost of providing language assistance can be less burdensome when it is spread over multiple agencies. Depending on how such programs operate, staff interpreters and translators, interpretation equipment, and computer software programs can be shared by different agencies. Comprehensive policies also can lead to economies of scale by reducing consultant or vendor costs. For instance, government agencies report that establishing large service contracts for interpreter services can reduce the per-unit costs significantly.²³
- *Costs savings resulting from the avoidance of language barrier mistakes or problems.* Although difficult to quantify, many supporters also indicate that their comprehensive policies have helped reduce certain costs associated with language barriers. These include savings from the avoidance of lawsuits or administrative complaints. More importantly, when LEP residents can communicate with staff at public agencies, they can avoid problems that may require more government resources in the future. For example, good interpreters in the health care context can lead to better health and reduced use of medical services. Effective teacher-parent communications in K-12 grade schools may lead to better student performance. Similarly, clear communications between police agencies and LEP residents can result in crime prevention.

State Language Access Policies

Five states have enacted comprehensive language policies requiring their public agencies to make their programs accessible to LEP individuals. Below are brief summaries of these states' policies, and Table 1 compares their key elements. Web links to the text of various state policies are listed in Appendix A.

TABLE 1: Summary of Comprehensive State Language Access Laws and Programs

State	Date Enacted	Scope and Requirements	Languages Covered	Assessing Language Needs	Developing Implementation Plans	Centralized Resources, Monitoring, and Enforcement	Interpreters at Public Meetings
CALIFORNIA	1973	Requires most state agencies to (1) hire sufficient bilingual public contact staff and (2) translate documents that (i) describe agency's services or (ii) request information from LEP persons that could affect their right to receive state services or benefits (agencies can offer summaries in lieu of translating documents). Local agencies have broad discretion to determine when and how they provide bilingual services.	State agencies are to provide bilingual services when non-English-speaking persons make up five percent or more of the people served by any local office. Local agencies have discretion to determine when services are to be provided in non-English languages.	Every two years, state agencies are to conduct a two-week survey to determine how much contact they have with LEP individuals by language group and use the data to assess the adequacy of bilingual staff in local offices and determine the languages in which documents are to be translated.	State agencies are to develop implementation plans every two years to address any deficiencies in translating documents or hiring sufficient bilingual staff. Each agency must designate a staff person responsible for overseeing implementation..	The State Personnel Board is responsible for providing technical assistance and monitoring implementation, including reviewing agencies' surveys and implementation plans. SPB also has enforcement powers if state agencies are out of compliance.	None specified.
MINNESOTA	1985	Requires state agencies that provide information or services to the public and serve a "substantial number of non-English-speaking people" to employ sufficient numbers of qualified bilingual staff or to provide interpreters. State agencies are encouraged to translate materials, especially those that affect legal rights, duties and privileges.	The statute specifies four factors in determining whether a state agency should provide services in non-English languages: (1) the number of people served by the agency; (2) the number of non-English-speaking people served by the agency; (3) the frequency with which non-English-speakers interact with the agency; and (4) the extent to which information or services by the agency affects legal rights, duties and privileges.	See previous "Languages Covered" section.	None specified.	The commissioner of administration determines the application of the statute to each state agency.	None specified.
MARYLAND	2002	Requires almost all state agencies to take <i>reasonable</i> steps to provide equal access for LEP individuals.	State agencies are to translate vital documents into languages of any LEP group that makes up three percent of the service area population of a local office. Agencies are required to take "reasonable" steps to communicate with and serve LEP individuals.	No procedures specified.	No implementation plans required.	Dept. of Human Resources provides technical assistance, but no agency is responsible for monitoring or enforcement.	None specified.
HAWAII	2006	Requires state agencies and any entity that receives state financial assistance to take "reasonable steps" to provide LEP individuals with meaningful access to services, programs, and activities. The requirements are similar to Title VI and are informed by a "totality of the circumstances" test.	Under most circumstances, covered agencies must translate "vital documents" for any LEP language group that makes up five percent or 1000 individuals of the eligible population, whichever is less. Agencies are to make "reasonable" efforts to provide competent, timely oral services to LEP persons.	None specified, but the Office of Language Access is considering administrative rules.	All covered agencies must establish language access plans and update them every two years.	The law creates an Office of Language Access that is responsible for providing technical assistance, monitoring implementation, and resolving lack of compliance.	Interpreters provided at state legislative hearings if requested at least 48 hours in advance.
ILLINOIS	Began in 2006; process is ongoing	State interagency task force is the process of recommending and developing procedures to improve language access at state agencies by translating vital documents, adopting protocols for using interpreters, providing a statewide bilingual test for state personnel, and offering training to public contact staff.	Vital documents are to be translated into Spanish, with standards to be developed to cover other languages. Task force recommends that state agencies develop procedures for hiring, training, and maintaining a sufficient numbers of culturally competent and bilingual staff.	Task force recommends that agencies collect relevant data on immigrants and language abilities, and use the information to develop responsive programs.	As of 2008, state agencies responsible for providing health, human, and educational services have begun developing language access plans.	None specified, though the Governor's Office of New Americans Policy and Advocacy has taken the lead in coordinating the development of language access plans.	None specified.



California

With a stroke of the pen in 1973, then Governor Ronald Reagan made California the first state to adopt a comprehensive language access policy, the Dymally-Alatorre Bilingual Services Act.³¹ In its preamble, the Act states:

... the effective maintenance and development of a free and democratic society depends on the rights and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.³²

However, this lofty goal was undermined for many years by the law's loopholes and poor implementation.

The Act requires state agencies to translate documents and employ bilingual staff in "public contact positions"³³ if at least five percent of the population speaks a common language other than English.³⁴ But public agencies only have to implement the law "to the extent local, state, or federal funds are available." In addition, local governments have considerable discretion to determine when bilingual services are needed.³⁵ Because the state did not provide public agencies with either guidance or resources for implementing the law, many agencies largely ignored its requirements.

Criticisms of state agencies' compliance with the Act led to a 1999 review by the California State Auditor to determine how well the law was working. The Auditor found that more than 25 years after the law

Responding to Market Forces

"More and more companies are realizing that providing multi-language channels is not only a convenience for customers, but a necessity for growing business in an increasingly diverse marketplace."

Jody Garcia, AT&T West's Vice-President of Specialty Customer Care²⁴

Public agencies are far from alone in developing new ways to communicate with LEP individuals. Spurred by the demographic changes, private companies in recent years have developed sophisticated methods of communicating with their customers—no matter what language they speak. Providing multilingual services was once a mostly California phenomenon,²⁵ but as the purchasing power of non-English speaking households in the United States has grown to an estimated two trillion dollars annually,²⁶ these practices have become increasingly commonplace across the community. Businesses have trail-blazed a variety of multilingual communications tools that other sectors can look to as models. Elements of the private sector approach include:

Multilingual websites. Industry insiders estimate that more than half of U.S. Fortune 500 companies operate multilingual sites, and these numbers are rapidly growing.²⁷ Multilingual websites allow businesses to attract LEP customers, provide them with information about products or services, and provide a low-cost way for English language learners to do business or communicate with a company. A recent analysis found that nine of the top ten U.S. commercial banks operated multilingual websites, along with companies as diverse as Home Depot, Amazon.com, Papa John's, and Hewlett Packard.²⁸ Growing numbers of small businesses also offer multilingual content on their websites. By contrast, relatively few public agencies offer multilingual websites, even in localities with large immigrant populations.

Bilingual employees. Retail businesses also are increasingly hiring bilingual staff to communicate with potential customers. The use of bilingual personnel is particularly cost effective because these employees can serve English-speaking customers when they are not interacting with LEP individuals.

Multilingual call centers. Companies are increasingly using multilingual call centers, in which representatives address LEP customers' concerns or questions over the telephone. Multilingual call centers offer a cost efficient method of serving LEP individuals across large geographic regions; these customers can receive services in their preferred language regardless of where they are located. Some companies also have used their call centers to provide telephonic interpreter services for customers in stores where employees do not speak their language.²⁹

In addition, an entire industry has developed to help LEP individuals communicate with private businesses and government agencies. Beyond the numerous private firms that provide translation and language services, there are ambitious, large-scale projects, such as Your World, Your Language, launched by Language Line Services and AT&T. This service provides a toll-free number that offers free interpreter and directory services in seven languages to help connect LEP households with both private businesses and public agencies in specific localities.³⁰

took effect, only one of ten state agencies it studied had complied with the Act's written translation requirements, and only two out of ten were aware of their specific language assistance responsibilities.³⁶ In response to the Auditor's report, the state formed a unit within the State Personnel Board (SPB) to monitor performance of state agencies and to provide technical assistance on compliance with the law. In 2003, the Act was amended to give SPB enforcement powers and to require that state agencies expand their capacity to serve LEP individuals and to develop implementation plans.

One important lesson learned from California's experience is that passage of language access laws, by themselves, will not increase access unless agencies are prepared to take concrete steps to improve their practices. Providing meaningful access to LEP residents requires planning, oversight, technical assistance, and the allocation of resources to carry out specific implementation plans.

In addition to strengthening the Dymally-Alatorre law, California has enacted a number of laws to help LEP individuals secure access to services and programs, including requiring: (1) public schools with large English language learner populations to translate correspondence to parents,³⁷ (2) state labor agencies to provide language assistance to LEP workers pursuing wage or health and safety complaints,³⁸ and (3) local social service agencies to offer services to LEP individuals in languages that are spoken by at least five percent of their client population.³⁹ The state also has language access laws that apply to the private sector, to prevent unscrupulous businesses from exploiting newcomers with limited English language skills. For instance, landlords, auto dealers, and financial institutions are required to translate certain contractual agreements when they are negotiated in non-English languages.⁴⁰ In addition, private HMOs also must provide linguistically and culturally competent care to LEP patients.⁴¹

Minnesota

Responding to large growth in its refugee and immigrant population during the

Using Media to Illustrate the Need for Language Access Services

Media can be a useful tool to raise awareness about the importance of funding language access services, even in tight fiscal times.

Childhood in Translation, a documentary media project from filmmaker Robert Winn, describes how language barriers pose risks to the well-being of immigrants and their children. Focusing on a problem identified in the Maryland State study, Winn explores the consequences of using children to interpret for LEP family members. Through the voices of the children themselves, as well as the perspectives of their parents, service providers, and advocates, this project describes in personal terms the tremendous need for language

access services in an increasingly diverse America. The project has created a DVD, distributed by the Migration Policy Institute, with three short video modules.⁴⁷ In a survey of people who used the DVD, almost all agreed that the video modules were helpful in educating mainstream audiences about language access issues. Many users of the DVD mentioned that they were excited to have a tool that puts a human face on issues – for both training and advocacy.

For more information about the film and the video modules available to practitioners, visit <http://sojournfilmworks.com/projects/childhood/childhood.html>.



mid-1980s, Minnesota became the second state to enact a language assistance law. Similar to California's Dymally-Alatorre law, Section 15.441 of the Minnesota Statutes requires every state agency that provides information or services to the public and serves a "substantial number of non-English-speaking people" to either employ qualified bilingual staff or use interpreters to communicate with this population. The statute also encourages these state agencies to translate materials in appropriate foreign languages. The Minnesota statute forbids the dismissal of any employee for the purpose of carrying out the language assistance policy, and state agencies "need only implement this section by filling employee public contact positions made vacant by retirement or normal attrition."⁴²

Maryland

In 2001, the Maryland legislature commissioned the National Foreign Language Center at the University of Maryland to study how well state agencies were providing information to and serving new residents.⁴³ The study found that almost all state agencies interacted with LEP residents, yet 28 percent of the surveyed agencies reported that these individuals experienced significant delays in receiving services because of language barriers. It also found that children were being used as interpreters in some departments, raising ethical and practical concerns.

The study's findings, along with advocacy efforts by community groups and legislators, led Maryland to adopt a comprehensive language access law in 2002.⁴⁴ Maryland's law applies to almost all state agencies, requiring them to "take reasonable steps to provide equal access to public services for individuals with limited English proficiency."⁴⁵ Under the law, state agencies are required to translate all "vital documents" into any languages spoken by at least *three percent* of the LEP population they serve. "Vital documents" include applications, informational materials, notices, and complaint forms, but not those related to employment, licensing, or

vocational certification. The Maryland law does not provide a numerical criterion for determining when state agencies must provide oral language assistance in non-English languages, only that state services be "reasonably" accessible. Observers have noted that the general nature of this requirement has resulted in uneven implementation across agencies, with some providing services in multiple languages and others continuing to serve the public almost exclusively in English.

In December 2008, Maryland Governor Martin O'Malley issued an executive order to create a Maryland Council for New Americans to develop recommendations, among other things, on how the state can promote immigrant integration through improved language assistance services.⁴⁶ The executive order created four working groups for the Council, with one charged specifically with developing recommendations for improving LEP individuals' access to governmental programs. Its responsibilities include an assessment of resources needed to comply with existing state and federal language access laws and identification of best practices at the county, municipal, and community levels. The Council was expected to make its recommendations to the Governor by late 2009.

Hawaii

In 2006, Hawaii passed legislation to ensure that state-funded agencies are accessible to adult English language learners.⁴⁸ In signing the bill into law, Governor Linda Lingle said, "We have a responsibility to ensure that those who continue to come here from different lands seeking a new and better life for themselves and their families are afforded every opportunity to be successful ... Language should not be a barrier to basic needs such as housing, food, job training, or medical coverage."⁴⁹

More expansive than other states' language access policies, Hawaii's law applies to all state agencies and any agencies *receiving state funds*, which includes all local governments and many nonprofit service organizations.

The Family Translator

When language services are unavailable at public agencies, immigrant families often turn to their children for interpretation. Such was the case with Mee Vaj. When Mee was 10 years old, her family, Hmong refugees from Laos, resettled in California's Central Valley. At first, none of them knew any English beyond "yes," "no," and "I don't know," But Mee learned quickly and became her family's spokesperson and bridge to the outside world. She helped her family—and extended relatives—with everything from everyday mail and bills to visits to the doctor and the welfare office to interpreting and filling out forms. As a sixth grader, she became a paid interpreter at the UC Davis Medical Center.

Mee was proud of the opportunity to help her family, but at the same time, she was affected by the awkward situations she was placed in. For example, in translating for older people, she said "the situation involved some private parts and it was uncomfortable for me, a kid, to be in the same room with an elder who had some body parts uncovered." As a youth, she felt deprived of her own childhood and struggled with a responsibility beyond her years. "I did what I had to do. I did not have the confidence or the knowledge of an adult to handle the situation. I did not have the knowledge to translate in such a way that both sides understood. I did it from the point of view of a child with a child's knowledge. So I would say they did not get the best translation that they could have gotten. . . Both sides lost out."

Story told in *Childhood in Translation*, a documentary project,
<http://sojournfilmworks.com/projects/childhood/childhood.html>.

The law is modeled after the federal government's Title VI requirements. Four factors determine the extent of language assistance that agencies must provide: (1) the number or proportion of LEP persons served or encountered in the eligible service population; (2) the frequency with

Washington State: A Pioneer in Language Assistance

Although Washington State does not have a comprehensive language access policy, several state agencies have developed nationally recognized language assistance practices. For instance, the state's Department of Social and Health Services (DSHS) provides interpreters for all public assistance and health services programs, and fully translates notices and letters in over 85 languages. The program was initiated after the agency entered into a consent decree in 1991 to improve access for LEP individuals. As part of the settlement, DSHS agreed to provide and pay for high-quality language assistance when LEP clients interact with agency staff and contractors (e.g., physicians receiving Medicaid funding).

As of 2008, DSHS offered separate social services and medical interpreter certifications in seven foreign languages: Spanish, Vietnamese, Cambodian, Lao, Chinese (both Cantonese and Mandarin), Russian, and Korean. Interpreters or bilingual staff must pass the certification test before they can interact with LEP clients.⁵² DSHS also developed a system for translating all written documents and correspondence to LEP clients into nine languages; individual correspondence is translated into other languages as needed. Because DSHS tracks each client's language preference, the agency's computer system automatically sends notices and letters to clients in their preferred languages. As one of the first agencies to provide language access assistance on a large scale, DSHS staff has helped many other state and local public agencies improve their practices.

Washington also has been a national leader in making court systems more accessible to LEP residents. The state

was among the first in the nation to test and certify court interpreters in multiple languages, standardize and distribute translated judicial forms, and offer professional development for interpreters. Although some of these functions have been taken over by private organizations, Washington remains one of the few states that provide LEP parties with court interpreters in any legal proceedings, including civil cases and administrative hearings.⁵³

Collaboration between advocates, experts, and government agencies has been a key factor behind Washington State's successful programs. Led by the Northwest Justice Project, advocates have challenged state agencies to improve their practices through litigation and policy advocacy. Yet they also have developed close working relationships with public officials and staff responsible for implementation, helping them seek funding for language assistance programs, and providing ideas and feedback to improve their practices.

These collaborative efforts were formalized in 2005 through the formation of an unusually diverse alliance called the Washington State Coalition for Language Access. The coalition includes community-based organizations, legal service providers, government agencies, interpreter and translator professional associations, and social service providers. Its goals are to improve access in the state by increasing language assistance in public agencies, identifying promising practices, sharing resources, developing a statewide directory of interpreters and translators, and expanding the pool of qualified interpreters and translators. More information can be found at www.wascla.org.

access coordinator who is responsible for implementing each agency's plan.

The statute establishes and provides funding for a newly created Office of Language Access within the state's Department of Labor and Industrial Relations that both oversees implementation and provides technical assistance. The Office also has authority to review and monitor state agencies' performance and is responsible for resolving implementation problems with language access programs.

Illinois

Illinois began working on a comprehensive language access policy in November 2005, when then Governor Rod Blagojevich signed a "New Americans" executive order directing state agencies to develop "coherent, strategic, and proactive" policies to integrate Illinois' growing newcomer population. The executive order established an Office of New Americans Policy and Advocacy within the governor's office and created a statewide Interagency Task Force – comprised of nine state agencies responsible for services from health to public education – to develop new policies and programs. A primary focus of the task force has been to address language barriers and develop better methods for serving English language learners in state programs. Although Illinois is still in the process of developing a comprehensive language access policy, the Task Force has offered a blueprint. Its recommendations include having state agencies take the following steps to improve access to their programs:⁵¹

- *Ensure adequate language assistance is available.* State agencies should hire, train, and maintain sufficient numbers of culturally competent, bilingual staff. When staff are unavailable, agencies should use contract interpreters. To help agencies implement this recommendation, the state hired a consultant to develop tests for assessing state personnel proficiency in the most frequently spoken non-English languages and launched a telephonic

which LEP persons come in contact with the services, programs, or activities; (3) the nature and importance of the services, programs, or activities; and (4) the resources available to the State or covered entity to implement the policy.⁵⁰

All applicable agencies, including nongovernmental organizations receiving state funds, are required to establish language access plans. State agencies are required to submit their plans for review and to update them every two years. They also are required to designate a language

interpreter service available to all state agencies.

- *Develop standards for state contractors and vendors to provide culturally and linguistically appropriate services.* Because many state agencies contract with nonprofit organizations or private businesses to provide services, these entities should meet minimum language access standards.
- *Develop comprehensive linguistic and cultural competency training for all state staff.* The state should develop model curricula for training agency personnel that can be adapted to each state agency's needs.
- *Make vital documents accessible to English language learners and other populations with limited literacy.* The state should establish clear standards for identifying vital documents and, until all are translated into the most frequently spoken languages, should distribute these documents with a "language block" that describes the importance of the documents in multiple languages and provides telephone numbers that provide clients with more information in their native language.

Local Language Access Policies

Growing numbers of localities have adopted comprehensive language access ordinances and policies in recent years. Accessible local services are especially important to newcomers because of their frequent contact with municipal government agencies, such as public schools, police departments, health clinics, and social service agencies. The ability to access these important services can have a profound effect on whether immigrants are able to successfully integrate into their new communities.

Most local language access ordinances or executive orders contain considerably more detailed requirements than those at the state level. Table 2 and the brief descriptions in this section summarize the

local policies; web links to these policies are provided in Appendix B.

Oakland, California

On May 8, 2001, the City of Oakland became the first municipality in the United States to adopt a law requiring that government services be made available in non-English languages.

The ordinance, which applies to all city departments that provide public services and have at least 15 full-time employees, requires translation and interpretation assistance in any language spoken by at least 10,000 LEP city residents. The ordinance does not apply to the city's school district, contractors, or other city-funded entities. As of 2008, only two languages, Chinese (Cantonese and Mandarin) and Spanish, met this criterion. The ordinance requires city departments to employ sufficient numbers of bilingual employees in these languages so that LEP residents will receive the same level of service as English speakers. It also requires them to translate documents but differentiates between "Tier One" departments, which provide critical services (e.g., law enforcement, health and human services, etc.), and those that provide non-vital services. Tier One departments are required to translate most written materials, while other departments need only translate important publicly posted documents.

An innovative element of the Oakland ordinance also is that it asks city agencies to provide pre-recorded, multilingual telephone messages, recognizing that offering information over the phone can be more efficient than requiring individuals to visit a local office. The law also requires departments to provide free oral interpretation at public meetings if a request is made with 48 hours' notice.

San Francisco, California

San Francisco's Equal Access to Services Ordinance was adopted in June 2001. With requirements similar to Oakland's law, it applies to all city departments that provide public services and have at least 30 full-time employees.

Like Oakland, the San Francisco ordinance requires city departments to provide assistance in any language spoken by at least 10,000 LEP city residents. However, San Francisco agencies may have to provide interpretation in additional languages if they have local offices in neighborhoods with large LEP populations that do not meet the citywide threshold.

In July 2007, San Francisco created an Office of Language Services to facilitate city departments' language services. The office provides technical support and coordination, including assistance with telephonic interpretation, website translations, on-site interpreters, and document translation.

Washington, District of Columbia

In response to Washington D.C.'s changing demographics, the city launched an initiative in 2000 requiring 13 large city departments to become more "customer friendly" to LEP residents, primarily by translating documents. In 2003, legislation for a citywide policy was introduced.

Utilizing Volunteers to Help Communicate with English Language Learners

Oakland's Office of Equal Access to Services operates a volunteer program that provides interpretation and translation for city agencies in four languages. It primarily recruits foreign-born or second-generation university students, ESL teachers, and community organization members. After having their language skills assessed informally, volunteers are asked to work three to six hours per week. Their responsibilities include interpreting, answering and returning phone calls to LEP individuals, proofreading translated city documents, and helping residents complete English-language forms. Volunteers augment the language resources of public agencies, but are not a substitute for having bilingual staff or professional interpreters in situations that require precise interpretation.⁵⁴

Under the leadership of the D.C. Language Access Coalition, Asian, Latino, and African immigrant organizations won passage for the law in 2004.

D.C.'s law applies to almost all city agencies that provide services to the public. Each applicable agency must provide oral interpretation and document translation in foreign languages spoken by either three percent or 500 members of the LEP population that the agency serves, whichever is less.⁵⁵ The low language threshold means that some agencies are required to provide services in five languages: English, Spanish, Chinese, Korean, Vietnamese, and Amharic.

D.C.'s language access law is broader than the local ordinances adopted in California. The D.C. law applies to the local K-12 school district, requiring public schools to translate documents and to provide language assistance, as needed, for LEP parents. The law requires the city to consult with the D.C. Language Access Coalition on implementation, making it the only language access law in the nation to mandate a public-private partnership to address implementation issues. The law also allows departments to contractually impose these requirements on city contractors that serve LEP populations.



Most city agencies must appoint a language access coordinator to help oversee and coordinate implementation, including developing and managing a biennial language access plan.

The ordinance also creates a language access director position, whose duties include reviewing and monitoring each agency's language access plan, investigating public complaints, and providing technical assistance. The director is responsible for consulting with members of the D.C. Language Access Coalition.

New York City, New York

New York City is among the most diverse cities in the United States. Approximately 37 percent of the city's eight million residents are immigrants. Almost a quarter of the city's residents are LEP.⁵⁶

In late 2003, Mayor Michael R. Bloomberg signed Local Law No. 73. It mandates that the city's primary social service agency, the Human Resources Administration (HRA), and its contractors make reasonable efforts to provide language assistance to LEP residents so they can fully participate in the city's human services programs. HRA offices must contain signage announcing that assistance is available in six languages—Arabic, Chinese, Haitian Creole, Korean, Russian, and Spanish—and must translate most documents into these six languages. The law also requires three other city human services agencies to inform LEP residents of available language assistance services, collect data on their contacts with these residents, and begin increasing their capacity to serve LEP residents.⁵⁷

In July 2008, Mayor Bloomberg signed an executive order that expanded the city's language assistance law by ordering all the city's public agencies to develop plans for communicating with and serving LEP residents.⁵⁸ The goal, he said, was to help New York City "become the most inclusive municipal government in the nation."⁵⁹

The order requires each agency, at a minimum, to communicate with residents in English and in the six most commonly spoken languages in the local LEP population. Each agency must designate a coordinator to develop and help implement

a language assistance plan. Plans must address how agencies will:

- Translate "essential public documents".⁶⁰
- Offer interpreter services in at least the top six languages spoken by the local LEP population.
- Train workers and managers on its new policies and procedures.
- Post signage about the availability of language assistance.
- Conduct public outreach to LEP residents.
- Establish monitoring systems and measures for evaluating performance.

Instead of creating a new agency to manage implementation, Mayor Bloomberg assigned the responsibilities to the Mayor's Office of Operations.

Philadelphia, Pennsylvania

Like New York City, Philadelphia has taken an incremental approach to developing its language access policy. Then Philadelphia Mayor John Street started the process with a 2001 executive order asking city agencies to assess their capacity to communicate with LEP residents and to draft plans to comply with Title VI of the 1964 Civil Rights Act.

But as Philadelphia moved forward, it recognized that there were other benefits to improving communications with LEP residents, including promoting public health and safety, as well as facilitating the integration of newcomers into the local community. In 2003, Philadelphia's Office of the Managing Director (OMD) launched "Global Philadelphia," an interagency initiative to provide centralized language assistance resources to city departments. OMD staff conducted demographic research and mapped where newcomer populations were located in the city, surveyed other municipalities to identify promising practices, consulted with community groups, and helped city agencies expand their non-English language capacity. OMD

TABLE 2: Summary of Local Language Access Laws and Programs

Locality	Date Enacted	Scope and Requirements	Languages Covered	Assessing Language Needs	Developing Implementation Plans	Centralized Resources, Monitoring, and Enforcement	Interpreters at Public Meetings
City of Oakland	2001	Adopted law requiring City depts. with 15 or more employees to communicate verbally with LEP individuals in certain languages. Tier One depts. (those that provide critical services) must also translate vital documents.	Applicable city depts. must be able to communicate in languages spoken by at least 10,000 LEP residents.	The Planning Dept determines annually which languages meet the 10,000 threshold.	The City Administrator submits to the City Council an annual implementation plan.	The Office of Equal Access in the City Administrator's Office provides centralized resources (including translation and interpretation services), technical assistance, and monitoring. It also has enforcement powers.	Interpreters available if requested 48 hours in advance.
City & County of San Francisco	2001	Adopted law requiring city depts. with 30 or more employees to communicate verbally with LEP individuals in certain languages. Tier One depts. must also translate vital documents.	Applicable city depts. must be able to communicate in languages spoken by at least (1) 10,000 LEP residents; or (2) 5% of a dept.'s service population. In addition, neighborhood offices must be able to communicate verbally in languages of LEP groups that make up 5% of its service population or the population of its county legislative districts.	Depts. assess on an annual basis the amount of contacts with LEP populations either through a survey or analysis of intake data.	Depts. are required to submit implementation plans yearly.	The Office of Language Services and the Immigrant Rights Commission are responsible for technical assistance, coordination, and compliance reviews.	Interpreters available if requested 48 hours in advance
District of Columbia	2004	Adopted law requiring almost all city agencies to be able to communicate with LEP residents in required languages (includes verbal communication and translation of vital documents).	Ordinance's requirements apply to language groups that represent 3% or 500 individuals, whichever is less, of the persons served or likely to be served by an agency.	No procedures specified, but depts. must assess their capacity to provide non-English services.	Depts. are required to submit an implementation plan every 2 years and assign a staff member to coordinate program.	Creates a Language Access Director housed within the District's Office of Human Rights. The Director's duties include providing technical assistance, reviewing and monitoring each agency's language access plan, investigating public complaints and meeting with community groups to elicit feedback.	None specified.
New York City	2004 & 2008	Adopted law in 2004 requiring the Human Resource Adm. (HRA) and its contractors to provide services in non-English languages. Mayor Bloomberg issued an executive order in 2008 requiring all city agencies providing direct services to be able to communicate in the six languages most commonly spoken among the local LEP population.	2004 law requires HRA and its contractors must be able to communicate verbally in any non-English language and translate vital documents into Arabic, Chinese, Haitian Creole, Korean, Russian, and Spanish. The 2008 mayoral order requires city agencies to provide services in the six mostly commonly spoken languages by LEP persons in NYC.	The mayoral order requires city agencies to establish "an appropriate monitoring and measurement system." The 2004 law requires several city human services agencies to maintain data on its LEP clients.	Mayoral order requires city agencies to develop implementation plans.	The mayoral order designates the Mayor's Office of Operations to oversee implementation, with assistance from the Mayor's Office of Immigrant Affairs.	None specified.

TABLE 2: Summary of Local Language Access Laws and Programs (continued)

Locality	Date Enacted	Scope and Requirements	Languages Covered	Assessing Language Needs	Developing Implementation Plans	Centralized Resources, Monitoring, and Enforcement	Interpreters at Public Meetings
City of Philadelphia	2001	Mayoral executive order requires city agencies to assess their capacity to communicate with LEP individuals and to draft plans to comply with Title VI. City has since launched Global Philadelphia, a broad effort to improve city agencies' communications with LEP residents.	Not specified.	No procedures specified but references Title VI requirements.	No implementation plans required.	The Managing Director's Office provides technical assistance, centralized resources and coordination to help city agencies become more accessible.	None specified.
City of Baltimore	2007	Mayoral executive order requires city agencies to establish procedures for communicating with LEP individuals, including offering free interpretation services, translating vital documents, training staff, and publicizing the availability of services to LEP populations.	Executive order does not specify languages or thresholds, but references Title VI, and indicates that free interpretation services will be "reasonably" available.	Not specified.	Each agency must designate a staff member to oversee implementation.	Not specified.	None specified.
City of Seattle	2007	Mayoral order requires city departments to translate certain government documents into languages spoken by a "substantial number of Seattle residents." It directs city departments to offer interpretation services, as appropriate, to assist and inform residents about city services.	The executive order does not define the term "substantial number of Seattle residents." However, it specifies that language assistance (translated documents and interpreter services) should be provided when the city conducts projects or events in neighborhoods where five percent or more of the population speaks a non-English primary language	Languages that meet the five percent threshold is determined by census data.	None specified.	Inquires are to be directed to the city's Human Services Department.	City departments are to "make every effort" to provide interpreters at their community meetings.

discovered that many city agencies neither had budgets to hire interpreters nor knew how to select qualified contractors. In response, OMD recruited, screened, and signed contracts with interpreter or translation firms that could provide city agencies with the needed services. Centralized contracts allowed OMD to negotiate lower rates and screen for quality.

OMD began its program by training city personnel at social and health services agencies on how to use interpreter services. It has since made interpreter services

available to other city agencies that provide extensive customer services.⁶¹

In 2008, Mayor Michael Nutter issued another executive order requiring that all city agencies—regardless of whether they receive federal funds—prepare language access plans to effectively communicate with and serve LEP residents. He directed OMD and Global Philadelphia to provide technical assistance and oversight of this initiative.

Baltimore, Maryland

On April 27, 2007, Mayor Shelia Dixon issued an executive order to develop a citywide language assistance policy for Baltimore, Maryland. The order focuses on implementing Title VI's language access standards, though it applies to agencies that do not receive federal funds. Baltimore is in the early stages of implementing the policy, which requires city agencies to:

- Establish a protocol for communicating with LEP individuals and for training city agency staff.

Language Accessible 311 Systems

In 2006, the Bloomberg administration launched a 311 phone line to make it easier for all city residents to obtain information about local government programs and non-emergency services. Prior to the 311 system, residents who wanted to contact a government agency had to go through 14 pages of city telephone numbers to identify the correct number. Now there is one number, active 24 hours a day. To ensure that the 311 system is accessible for LEP residents, New York City contracts with an interpreter service to answer questions in up to 170 languages.

- Designate a staff person to coordinate and implement each agency's language access plan.
- Make free oral language assistance reasonably available to LEP service seekers.
- Translate city agencies' "vital documents."
- Inform LEP communities of the availability of language services.

The executive order provides a gradual, two-year period for city agencies to become more accessible to LEP residents. Some city agencies have an additional six to twelve months depending on their functions. To facilitate implementation, the city has developed a program to provide volunteer interpreters and translators to public agencies in non-emergency situations.

Seattle, Washington

Mayor Gregory Nickels also issued an executive order in 2007 that makes Seattle the latest city to require local public agencies to communicate effectively with LEP residents. Among other things, Executive Order 01-07 requires city agencies:

- To translate documents such as consent and complaint forms, notices of rights, notices of free language assistance, and descriptions of services and programs into languages spoken by a "substantial number" of Seattle residents.⁶²
- To translate and distribute documents when conducting major projects in neighborhoods where five percent or more of the population consists of a specific language group.
- To make every effort to provide interpreters at community meetings.
- To use trained and culturally sensitive staff members or professional translators and interpreters to communicate with LEP individuals.

The Executive Order directs questions about the policy to the city's Human Services Department.

3 THE GROWTH OF LANGUAGE ACCESS POLICIES IN KEY PUBLIC SECTORS

Many states and localities have developed policies for communicating with and serving English language learners in specific service areas. For example, public health and social services agencies have long offered language assistance to LEP families, in part to comply with federal program requirements. But changing demographics have led communities to extend these practices to other sectors. In recent years, school districts and public safety agencies have been especially active in improving their communications with LEP residents.

Public Education

Children of immigrants account for nearly one in five K-12 students in the United States.⁶³ Given their sizable and expanding population, how well these students are treated and taught in schools—and the ability of schools to engage their parents—will have a profound impact on this country's long-term well-being. As a result, growing numbers of school districts have programs to engage LEP parents by:⁶⁴

- Translating school notices into the most commonly spoken non-English languages.
- Offering interpreters at school meetings and events.
- Educating LEP parents about rights and responsibilities in non-English languages, as well as how they can assist in their children's education.

Supporters believe language assistance services not only promote a more inclusive school environment but, when they are part of larger efforts to engage immigrant parents, they can improve student achievement. Below are brief descriptions of innovative efforts by school districts to improve their communications with LEP families. While this is far from an exhaustive list, it illustrates the wide range of practices adopted by educators.

The Los Angeles Unified School District provides among the most comprehensive translation and interpretation services of any school district in the United States. With almost 300,000 English language

learners, or 41 percent of the student population, the demand for non-English language assistance is very high.⁶⁶ The district's translation unit has about 40 full-time equivalent positions, including interpreters in six languages, a graphic designer to lay out translated documents, and technicians who are responsible for maintaining and transporting interpretation equipment to school sites. Requests to the unit can be made at its website,⁶⁷ and all its translated documents are saved electronically so that they can be modified easily in the future. The unit also uses translation software to ensure that education-related terms are translated in a consistent manner, even if documents are translated by different individuals.⁶⁸

Montgomery County Public Schools of Rockville, Maryland, received the highly coveted Magna Award from the National Association of School Boards in 2007 for its work to improve communication with LEP parents and increase their participation in school activities. The award was a culmination of a community-advised effort undertaken amid a major demographic shift. As the number of English language learners grew, the District established a unit in 2006 with four full-time staff members who translated school documents into Spanish, French, Chinese, and Vietnamese. For the past few years, general school information has been available in seven languages on the district's website. Contract interpreters also are available upon request to assist school personnel during events ranging from parent-teacher conferences to special education assessments to administrative hearings. The district fulfills more than 5,000 requests for interpreter services annually.

The Tucson Unified School District, in response to an administrative complaint alleging that the school district was failing to comply with federal anti-discrimination laws, adopted a written policy in 2005 to improve services for LEP families.⁶⁹ The district agreed to maintain a database of all enrolled LEP students to identify families



that need language assistance. Schools are required to:

- Inform all parents that interpreter services are available at no cost.
- Offer LEP parents the opportunity to identify themselves during the school registration process as speakers of a non-English language.
- Conduct an initial meeting with LEP parents to inform them of support services available to their children.
- Translate critical documents affecting legal rights, such as those addressing special education and disciplinary issues, into any necessary language, as well as other important documents into languages spoken by at least 100 or more English-learning students in the district.
- Train personnel about their responsibilities regarding LEP families.

The District created an Office of the Interpreter/Translator to oversee and provide language assistance to serve LEP families.

San Diego Unified School District's eight-person translation unit provides written translation and oral interpretation services in six languages to schools, parent groups, central office staff, and the board of education. In an innovative twist, the unit utilizes existing bilingual school employees to supplement its work, provided they pass a language proficiency test and demonstrate familiarity with education vocabulary. Employees are frequently used to interpret at evening meetings or school events. They are paid overtime for interpreting at afterschool meetings, yet the practice has proved more cost-effective than expanding the unit's interpreter staff.⁷⁰

New York City Department of Education has both a formal language access policy and a Translation and Interpretation Unit. Under the policy,⁷¹ K-12 schools must

determine the primary language spoken by the parents or guardians of each enrolled student and make best efforts to communicate in those languages. At a minimum, schools must provide translation and interpretation services in the eight most common non-English languages spoken by city residents. This includes translating critical documents⁷² and making interpreters available for group and one-on-one meetings. With almost 1,400 schools in the department's system, the primary responsibility of the Translation and Interpretation Unit is to provide centralized services. It translates documents distributed to parents citywide, provides interpreter services at citywide or regional meetings, and offers technical assistance to individual schools.

St. Louis Public Schools became the first Midwest school district to form a translation unit in 2001. As part of the district's ESOL/Bilingual/Migrant Program, the unit both provides language assistance and serves as a welcoming center for LEP parents. It offers translation and interpreter services in five languages, with Bosnian being the most frequently requested language. The unit also helps orient immigrant parents about their rights and responsibilities. Its interpreters receive additional training on how to serve as cultural liaisons between parents and the schools.

DeKalb County School System, located in the Atlanta metropolitan area, has formed a partnership with the nonprofit Refugee Family Services (RFS) to provide language assistance and help bridge the cultural gap between immigrant families and educators. While not a substitute for in-district language assistance resources, the partnership allows RFS and the school district to draw on outside funding, including the federal Office of Refugee Resettlement and private foundations. RFS started its Bilingual Liaison project in 1999, assigning four bilingual liaisons to 15 DeKalb schools that had large numbers of English learners. The program, which

facilitates communication with and helps identify challenges faced by immigrant and refugee children, has since expanded to nearly 75 schools and eight pre-school programs.

A number of other school districts also provide a high level of language assistance services to encourage greater parental participation by LEP families. These include the Chicago Public Schools (IL), Fairfax County Public Schools (VA), Howard County Schools (MD), the School District of Philadelphia (PA), San Francisco Unified School District (CA), and Seattle Public Schools (WA). Web links to key school districts' language assistance policies are listed in Appendix C.

Law Enforcement

Changing demographics at the local level also have led many law enforcement agencies to develop ways to communicate with LEP individuals. Accurate communications are especially important to law enforcement and emergency response agencies because misunderstandings can have serious consequences. Law enforcement agencies have found that language barriers can result in inaccurate information used to investigate and prosecute crimes, the inability of LEP persons to follow police officers' instructions, and the increased possibility that procedural violations will benefit suspected criminals who are not fluent in English.⁷³

Law enforcement agencies across the country have taken specific steps to expand their capacity to communicate with English language learners by:

- Hiring employees familiar with the language and culture of newcomer communities.
- Providing officers with access to both telephonic and in-person interpreter services.
- Establishing 911 systems that can communicate in multiple languages.



- Developing multilingual outreach and public education programs designed to build trust with immigrant communities and prevent crime.
- Taking LEP needs into account in emergency planning.⁷⁴

Below are examples of law enforcement agencies that have adopted language access policies and brief descriptions of their innovative practices.

The Philadelphia Police Department

The department's Directive 71⁷⁵ provides a comprehensive set of procedures for interacting with LEP individuals. It requires the department to provide free language assistance by communicating through bilingual officers or professional interpreters.⁷⁶ Officers are restricted from using family, friends, or bystanders to interpret except in exigent circumstances or in "very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person."⁷⁷ The directive describes specific procedures for interacting with LEP individuals during 911 calls; criminal interrogations; and crime-scene and witness interviews. The directive also

describes the responsibility of the department to:

- Translate vital documents into the most commonly spoken languages.
- Publicize the availability of free language assistance services.
- Train police personnel about the department's LEP policy and how to interact with LEP individuals.
- Identify and assess bilingual personnel to ensure that their language skills are adequate.
- Monitor and update the department's language assistance policy based on department and community experience.

Summit County Sheriff's Office

Responding to demographic changes in this northern Ohio county, the Summit County Sheriff's Office decided in 2003 to develop an LEP policy. But when it looked to other agencies for policies to emulate, it found few provided the level of detail needed to guide day-to-day police work. The office decided to collaborate with a nearby local police department, community

Northwest Justice Project

A 14 year-old Muslim girl was sold into marriage in her home country and brought to the United States and forced to live with an abusive husband who beat and raped her repeatedly. On several occasions, she tried to escape, calling on local authorities in Washington State for help. But each time, her abuser's family members, offering to act as "interpreters," inserted themselves into investigations by police and child protective services. These agencies did not have procedures for addressing individuals who could not communicate in English. As a result, the abuser's family members provided false information to investigators about the girl, shielding the abuse from authorities for over a year. It was not until the girl contacted the Northwest Justice Project, a local legal services agency, that authorities began to interview her with professional interpreters, allowing them to unravel the tragic misunderstandings that had prevented them from addressing her abusive situation sooner.

organizations, expert interpreters and translators, and the Translation Program at Kent State University. Together, they surveyed and selectively interviewed law enforcement agencies across the country to identify the different scenarios in which law enforcement officials come into contact with LEP individuals and to develop strategies for overcoming language barriers in these situations.

The project's findings can be found at the Summit County Sheriff's website.⁷⁸ The document makes recommendations for how law enforcement agencies can (1) increase hiring of bilingual staff and interpreters, (2) translate "vital documents," (3) transcribe and translate undercover video or audio tapes, (4) develop procedures for processing incarcerated LEP individuals, and (5) develop a "Flash Card Communications Booklet" to help officers communicate with English language learners while waiting for an interpreter to arrive at a crime scene.

Las Vegas Metropolitan Police Department

The Las Vegas Metropolitan Police Department has responded to the rapid growth of the local Latino immigrant population in several ways. First, it established a partnership program with community organizations, businesses, and local leaders called the *Hispanic Recruitment Council* to help prepare and recruit bilingual, Spanish-speaking candidates for law enforcement careers. Second, it created several teams of bilingual officers who focus on investigating criminal activities that affect the Spanish-speaking community. Known as *HART* (Hispanic American Resource Team), their responsibilities include assisting in field investigations when Spanish language skills and local immigrant community knowledge is required; carrying out public education programs; developing methods of combating crime in the Hispanic community; and training other officers on law enforcement issues affecting this community.

Due to the city's relatively small number of Spanish-speaking police officers, the department also has a Hispanic Interpreter Services Program (HISP) that trains Spanish-speaking civilian staff to help officers communicate with English language learners. According to Officer Curt Norris, who oversees the program, HISP was started to address two primary concerns: Spanish-speaking police officers being overused as translators and the high costs of using telephone interpreters when bilingual personnel were unavailable. "There's no question that when our HISP staff members go into the field, they can do a lot more to help an officer than a telephone interpreter," said Officer Norris, pointing out that in-person interpreters are especially good at establishing rapport or trust with Spanish-speaking individuals. HISP staff must first pass a language skills test and then undergo a one-month "mini-academy" on police procedures. Their responsibilities include interpreting 911 and non-emergency calls, being dispatched with police calls, assisting in ongoing

investigations, translating documents and transcripts, and assisting in community outreach events. As of 2008, there were 23 part-time civilian staff members in the HISP program, and their services were available 24 hours a day. The department continues to use telephone interpreters when bilingual staff is unavailable.

Other law enforcement agencies that have adopted policies for communicating with LEP individuals include the California Highway Patrol, the Anaheim Police Department (CA), the Clark County Sheriff's Office (OH), the Columbus Police Department (OH), the San Francisco Police Department (CA), and the Seattle Police Department (WA). Web links to law enforcement language policies are provided in Appendix D.

4 TRANSLATING LANGUAGE ACCESS POLICIES INTO EFFECTIVE PRACTICES: A CHECKLIST

Even as more state and local governments adopt language access laws and policies, their implementation is not without challenges. Changing agency attitudes and practices often takes time. Government practitioners who participated in The Annie E. Casey Foundation-sponsored Language Access Practitioners Network reported that efforts to improve access are often slowed by several factors:

- **Lack of planning at the agency level.**

Most large agencies, including many that wish to increase access for English language learners, do not engage in sufficient planning to make their programs and services more accessible. “Some seem to think that making government more accessible to LEP individuals requires only translating a few documents and adding some bilingual staff,” said Deeana Jang, a participant in the practitioners’ network and who previously worked on Title VI compliance issues at the U.S. Department of Health

and Human Services. “A good program requires systemic assessment, planning, and follow-through from frontline staff to senior managers. You can’t solve language access problems in isolation; these efforts must be integrated into an agency’s programs.”

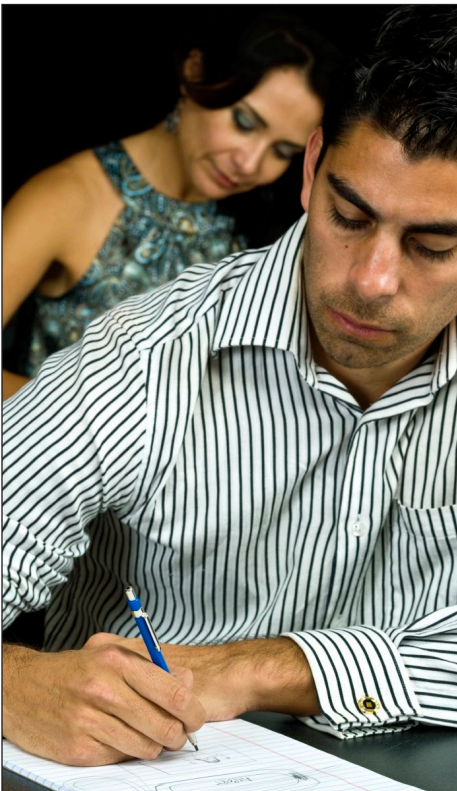
- **Limited resources to implement programs.** Many language access policies are not adequately funded. Resources to provide interpreter services, translation of vital documents, and staffing to plan and oversee programming often are in short supply. Network participants pointed to budgetary constraints and immigrants’ lack of political power as primary reasons why many of these policies have not been fully implemented. Several participants emphasized the importance of documenting needs and educating managers about making modest investments in improving language access for LEP individuals. Because most agency directors or elected officials are unaware of the costs involved in providing increased access, program managers must make the case for these investments and demonstrate their potential benefits.

- **Limited knowledge of promising practices.** Because most public-sector language access programs have been established only in recent years, the field is still in a nascent stage of development. With the exception of a few sectors, there is virtually no research or evaluation of best practices for communicating with LEP individuals; practice standards have yet to be established for interpreters and translators; and there are few networks for practitioners to share promising practices, ideas, or resources. As a result most practitioners work in relative isolation, with limited opportunities to communicate with colleagues, engage in peer learning, or pursue professional development. “There is a tendency to re-invent the wheel in each locality,” noted a practitioner, “because we don’t know what’s been tried and what’s been successful in other places.”

Providing Language Access in a Challenging Political Climate

The growth of language access laws and policies has occurred even as some regions of the country are experiencing a backlash to immigration. As newcomer populations have grown rapidly in regions with limited experience with immigration, restrictionist and nativist groups have proposed numerous anti-immigrant laws at the state and local levels, including those prohibiting multilingual public services. Many of these proposals have been rejected for being impractical, unnecessary, and divisive. For instance, in vetoing an official English-only policy ordinance in 2007, then Nashville Mayor Bill Purcell observed that English had been used since before the city’s founding more than 200 years ago. “We do not need a law to tell us what language we are using,” said Mayor Purcell. “If this ordinance becomes law, Nashville will become a less safe, less friendly, and less successful city.”⁷⁹ A subsequent attempt to pass an English-only law in Nashville through a ballot measure was defeated by a large margin in January 2009.⁸⁰

However, even in states that have designated English as their official language, language access laws and policies have flourished. For example, California has a state constitutional provision declaring English the state’s official language.⁸¹ This provision requires state and local agencies to conduct “official” business in English (e.g., legislative acts, gubernatorial orders, public announcements, etc.). But the state’s Attorney General, Legislative Counsel, and federal appellate court all agree that this provision does not prohibit public agencies from providing information or services in other languages.⁸² They note that the provision does not explicitly override state laws mandating language access, such as the Dymally-Alatorre Act. Moreover, federal laws forbid blanket state prohibitions on providing multilingual services.



• **Challenging political climate.** Although most Americans embrace the country's immigration heritage, public attitudes towards newcomers are often ambivalent during periods of rapid immigration growth. Some participants expressed concern about a lack of understanding and support for these programs. They note that many policymakers do not understand the difficulties newcomers face in learning English, or the benefits of creating greater access to public programs for LEP individuals. Building long-term support for language access programs requires a proactive approach to educating policymakers, community leaders, and the public.

Despite such challenges, successful language access programs have emerged at the state and local levels. These experiences suggest that with good planning and a commitment to serve LEP individuals, most public agencies can improve their communications with this population significantly. Practitioners emphasize the importance of having agencies engage in planning and the development of protocols at the program level to address

specific conditions and client populations. Successful language access programs usually share four characteristics: (1) An assessment and planning phase; (2) detailed implementation plans that address identified language barriers; (3) evaluation; and (4) efforts to build support for language access programs both within an agency and from key external sources. Below is a checklist that describes the key issues and recommendations in these four areas.

1 Conduct an Assessment and Begin Planning

The first step in developing a language access program is to understand the language needs and related characteristics of LEP populations that are likely to interact with an agency. An analysis should include identification of:

- The number or percentage of the service population that is LEP;
- The languages they speak;
- Other demographic characteristics affecting their ability to participate in an

agency's programs (e.g., education level, family income, length of residency in the United States, etc.);

- The frequency with which these LEP residents come into contact with the agency by program areas or local offices; and
- The nature and importance of the services (most agencies prioritize assistance for their most important services).

There are several ways to collect data for this kind of assessment:

- *Examine existing intake or internal organization data.* Many public agencies already collect information on people who receive their services, including demographic characteristics. Agencies should analyze this data, especially if it includes clients' language preferences.
- *Conduct a demographic analysis of an agency's service area.* An agency's database may not necessarily reflect the language needs of its constituencies. If emerging LEP populations face language barriers to obtaining services, they are likely to be underrepresented. At a minimum, an agency's assessment also should analyze Census data for the language characteristics of the local population and other characteristics described above. A number of web-based resources provide this information,⁸³ and most local planning departments can assist with such research.
- *Conduct focus groups or meetings with local immigrant representatives to identify language barriers and strategies for overcoming them.* Focus groups or even informal meetings with immigrant representatives can provide important information about how a public agency can become more accessible to LEP individuals.

A second important component of an agency's assessment is to determine an agency's capacity for providing linguistically accessible services. The assessment should



examine the different ways in which an agency interacts with the public and identify its strengths and weaknesses in communicating with English language learners. Key issues that should be assessed include:

- *Telephone system and websites.* Can an LEP resident obtain basic information on an agency's programs without visiting an office? Making multilingual information available through the internet is a cost effective way to distribute information to LEP communities, especially among populations with relatively high rates of computer usage. Even more important is for public agencies to be able to communicate with LEP individuals over the telephone. As more cities adopt 311 telephone assistance systems that answer residents' questions about city services, telephone communication is becoming an important entry point to obtaining public services.
- *Signage.* LEP individuals who visit an agency's offices will need to be directed by multilingual signage to staff who can provide language assistance or communicate with them in their native language.
- *Bilingual staff.* Increasing bilingual staffing is often the single most important component in a language access plan. Because bilingual staff members communicate directly with LEP individuals, they often can establish better relationships with clients than staff members who use interpreters, and miscommunications are less likely to occur. In addition, the use of bilingual staff is considerably more cost effective. Because bilingual staff members are capable of performing job responsibilities in English and in at least one non-English language, they can serve the public even when they are not working with LEP individuals. Agencies should develop procedures for identifying qualified bilingual staff members and assigning them to positions where their skills are most needed. Agencies also should

Implementation Assistance and Oversight: Assigning Responsibility to a Specific Office

Public agencies and jurisdictions developing new language access policies must make an important decision regarding which entity will be responsible for monitoring compliance and providing technical assistance. Many states or cities that have adopted comprehensive language access policies assign these responsibilities to executive offices. For example, in New York City, the Mayor's Office of Operations is the primary agency charged with helping other agencies become accessible to LEP individuals. Similarly, the city administrator's offices in Oakland and Philadelphia are responsible for coordinating language assistance policies. At the agency level, implementation responsibilities are often assigned to units responsible for monitoring equal opportunity policies or addressing immigrant-related issues.

An alternative approach is to create separate offices or units responsible for helping with the implementation of language assistance policies. Hawaii and Washington D.C., for example, have developed new offices to oversee the implementation of their language access laws. The Hawaiian office is lodged within the state's labor agency, and the one in Washington D.C. is located within the city's Office of Human Rights. Creating a new office offers many potential advantages, including the opportunity to hire staff members who have the expertise, skills, and relationships to monitor and help with language access implementation. However, starting a new office is often resource intensive and usually requires greater start-up time than assigning these responsibilities to an existing unit.

Language access practitioners who participated in the Casey Foundation Network generally agreed that agencies or jurisdictions considering new language access policies should first consider whether any existing offices or units are capable of overseeing implementation. In determining whether an existing office is capable of playing this role, agencies should ask the following questions:

- Is improving access to public services for LEP individuals consistent with the mission and responsibilities of the existing office?
- Will non-English language assistance activities be a priority for the office?
- Does the office have sufficient expertise?
- Does it have, or is it capable of, developing good relationships with key stakeholders, including agencies or programs that need assistance in improving their practices, as well as community organizations and leaders who work with LEP residents?
- Is the office well-positioned to help key agencies and/or programs increase access for LEP constituents? Some jurisdictions have purposely placed monitoring responsibilities within offices that have authority or influence over targeted agencies and programs, including mayoral or city administrators' offices.

If many of the answers to these questions are negative, an agency or jurisdiction should consider starting a new office to assist in implementing language access policies and programs.

determine whether they have sufficient numbers of bilingual staff and develop strategies for ensuring that there will be adequate numbers in the future.

- *Contract interpreters.* Agencies should have systems that allow frontline staff to utilize qualified contract interpreters (either over the telephone or in-person) in a timely manner when bilingual staff members are unavailable. Depending on the nature of the services, delays can have a number of negative consequences, including putting pressure on agency staff to use unqualified or inappropriate individuals, such as children or family members, to help interpret.
- *Translation of materials.* Most public agencies that serve immigrants and other LEP populations recognize that written materials play an important role in communicating information about their programs and services, as well as their clients' legal rights. Yet many do not have procedures to produce well-translated documents that provide up-to-date information. An effective document translation system should have, at a minimum, procedures to:
 - Identify, translate, and update vital documents on an ongoing basis (e.g., applications, notices, program information, and other documents that affect an individual's ability to utilize services or programs).
 - Ensure that the translations are accurate and understandable to their target audience.
 - Distribute translated documents to LEP people who can utilize the information.
- *Data.* Collecting relevant data is an important but often overlooked element of a successful language access plan. For example, whenever possible, an agency should collect and track its clients' language preferences. Having this data allows an agency to communicate more effectively with LEP individuals by sending written notices or information in their



preferred languages, or assigning them to bilingual staff when they come into the office for appointments. Another priority is gathering data that can be used to evaluate the effectiveness of an agency's language access policy. Agencies should use their initial assessment to determine how they can collect and analyze information that will improve their capacity to communicate with LEP individuals.

- *Technical resources.* Understanding an agency's technological resources and limitations also is vital to developing an effective language access plan. For example, does the agency's information management systems allow for the collection of individuals' language preferences? Does the agency have computer software to help with tracking and updating translated documents? Does it have speaker phones when telephone interpretation is needed? Technology issues run through many implementation issues, and planners should ask whether existing technological systems need to be supplemented to help carry out an agency's language assistance plan.

- *Collaboration with community.* Agencies should determine whether collaboration with community leaders, organizations, or media can improve their ability to communicate with and serve LEP individuals. Agencies should examine any existing collaborations and ask whether there are other ways in which they can utilize community-based organizations to publicize programs and services, play a cultural liaison role, or help directly in communicating with LEP residents. Even if an agency has an outstanding language access program, its efforts are of little value if LEP populations are not aware that such services are available. Agencies should use the assessment process to identify ethnic media outlets and community organizations that could help publicize and support their language access efforts.

2 Develop and Implement a Language Access Plan at the Agency Level

After completing an initial assessment, an agency should develop an implementation plan that describes (1) its policy for communicating with and serving LEP residents; (2) how it will address the specific challenges identified in the assessment described above; and (3) procedures or protocols that its staff should follow in interacting with LEP individuals. Given limited resources, most agencies prioritize non-English language assistance for their vital services and programs, as well as offices that have extensive contact with LEP persons.

In addition to the specific issues identified in its assessment, an agency's implementation plan also should address several other topics. Among the most important is **training** agency staff on any new language access policy and how to implement new procedures. Key training topics should include:

- An overview of the agency's LEP policies and procedures.
- How to communicate with LEP individuals, including basic cultural competence and knowledge of immigrants who are likely to come into contact with the agency.
- How to access language access resources, such as bilingual employees or telephone interpreters.
- How to effectively utilize and interact with interpreters.
- Specific training for bilingual staff to strengthen their program- or service-specific vocabulary and, if applicable, interpretation skills.

A second important implementation plan component is designating a staff person or an office within an agency to be responsible for providing **technical assistance**, **coordination**, and **oversight**. Improved access usually requires at least

one or more staff members to help oversee implementation. The coordinator can play a vital role in identifying problems or challenges that need to be addressed by management, as well as opportunities to develop effective or cost efficient practices.

A third important component of an implementation plan is developing quality control measures to ensure that new procedures actually result in better communications with English language learners. Poor quality language assistance can be just as inaccessible to LEP individuals as English-only services. Examples of quality control measures include:

- Testing bilingual employees' language skills to ensure that they are sufficiently fluent in English and other languages.
- Developing procedures for reviewing translated documents for accuracy and clarity.
- Contracting with language service agencies that have established qualifications and practice standards for their interpreters and translators.

3 Evaluate the Agency's Language Access Policies

Beyond establishing quality controls and monitoring the day-to-day implementation, language access programs also should be evaluated on a regular basis on at least two measures. First, agencies should formally assess the quality of their language services. For example, they can survey individuals who utilize or provide such services, such as LEP clients, community organizations that interact with newcomers, agency staff, interpreters, and translators.

Second, agencies should also consider assessing whether improved access helps achieve broader goals. For instance, public school districts provide language assistance to LEP parents to improve school-parent communications. However, the content of the communications is intended to achieve broader goals, such as improved parental understanding of their

children's educational options, increased parental engagement in school activities, or increased participation by children of LEP parents in certain student programs. Similarly, in the law enforcement context, improved communication between police officers and LEP residents has the potential for helping achieve a number of broader goals, including greater public trust of police agencies, increased reporting of crimes, or more effective criminal investigations. While proponents of language access programs believe that improved communication is critically important to achieving these broader goals, public agencies should consider undertaking more formal assessments to determine the impact of these programs.

4 Build Internal and External Support for Language Access Policies

Experienced practitioners agree that technical knowledge is not the only prerequisite for operating successful language access programs. "Over the long-run," said Mark Lewis, coordinator for the New York City's Administration for Children's Services' programs for immigrants, "a program's effectiveness depends in part on two factors: first, whether an agency can convince its employees that serving English language learners is an important part of their responsibilities, and second, whether there is external support – from elected officials and the broader community – for making public services more accessible."

Developing a supportive agency culture can be challenging, especially for institutions that have limited experience or a poor history of serving LEP populations. Existing staff may have misconceptions about LEP families (e.g., "why don't they want to learn English?") or may have concerns that increasing immigrants' access to public services means that less attention will be paid to other disadvantaged populations. Directors and managers must address these concerns and create a culture in which increased access for all constituencies is an agency value. The

experiences of jurisdictions that have implemented language access policies suggest that the following steps can help create internal support for increasing language access:

- *Senior managers should clearly state their commitment to include LEP individuals in their agency's programs.* As an initial step, agency leaders and public officials should publicly state their support for providing LEP residents with equal access to their agency's programs and services. They should describe the reasons why such policies are consistent with an agency's mission and its benefits.
- *Help agency staff develop greater awareness and knowledge of the local immigrant community.* In most communities experiencing rapid demographic changes, many residents – including government employees – have limited understanding of newcomers and may hold misperceptions and stereotypes about this population. Public agencies should provide trainings to educate staff members and help them better understand this constituency. Participation by community representatives – either immigrants themselves or people who work with newcomers – in these trainings can help agency staff appreciate the challenges faced by immigrants, as well as their agency's role in helping to integrate this population into the local community.
- *Help staff understand that language access policies are part of a broader effort to ensure that all communities have greater access to an agency's programs and services.* The experiences of jurisdictions that have adopted comprehensive language access policies suggest that some staff members are likely to have conflicted feelings about this process. In particular, they may be concerned that newcomers will compete with other disadvantaged populations, such as African Americans, for scarce agency resources. Agency leaders should address these concerns in a proactive

manner by re-stating their commitment to serving existing populations and defusing any sense of competition between disadvantaged communities. It is important to frame language access policies as part of an agency's broader commitment to eliminating access barriers for all communities – not just for LEP individuals.

- *Reassure agency staff that language access policies do not put their jobs in jeopardy.* Another staff concern that may arise is the fear among some monolingual English-speaking personnel that their jobs will be at risk if the agency is committed to increasing its bilingual personnel. Language access policies make a general commitment to hiring more bilingual staff members in the future, but they do not contemplate displacing existing employees. As described in the previous chapter, most language access laws explicitly prohibit laying off current employees for the purpose of hiring additional bilingual personnel. Agency leaders should reassure their employees that while the adoption of a language access program may require them to change the way they serve the public, it does not put their jobs at risk.

Beyond creating an agency culture that supports increased access for English language learners, good programs also actively communicate with other stakeholders – legislators, immigrant leaders, community organizations, ethnic media, unions, and business leaders – to create external support for these efforts. These stakeholders can provide financial, political, and practical support to improve access in public agencies. Some of the ways in which experienced practitioners have created and maintained external support include:

- *Establishing advisory committees to elicit feedback, advice, and assistance.* Advisory bodies not only provide practical guidance for developing effective language access programs, but they also have the potential to build support among key community stakeholders if these leaders and organizations believe the programs are well-run and beneficial. Most jurisdictions with comprehensive language access policies have advisory committees that are made up of representatives from a broad cross section of the community, including the nonprofit sector, government, and business.



- *Providing updates to key legislators and policymakers.* Helping legislators and policymakers understand the benefits of language access policies is especially important in a political environment in which anti-immigrant groups frequently attack elected officials for their support of programs to help integrate newcomers. Providing progress updates to government leaders on the implementation of language access policies, their benefits, and the backing they have from community members can help sustain support for these programs.

- *Helping the broader community understand the benefits of improved language access in the public sector.* Supporters of language access policies need to continuously educate the public about how improved language access leads to greater immigrant integration and can improve public safety, health, and economic well-being of the broader community. Experienced practitioners note that such educational efforts are more effective when support for these policies comes from a broad cross section of the community. “Support shouldn’t be coming just from immigrant groups,” said Vinodh Kutty, project coordinator and Limited English Proficiency manager at the Office of Multi-Cultural Services in Hennepin County, Minnesota. “When businesses, law enforcement officials, doctors and nurses, teachers, and other community leaders voice support for these policies, the public can begin to understand how improved access benefits all of us.”

The experiences of practitioners in The Annie E. Casey Foundation-sponsored Language Access Practitioners Network suggest that well-run language access programs can make a significant difference in the lives of immigrants and benefit the broader community. However, good language access practices require a commitment from public leaders and agencies to understand the barriers faced by LEP families and to work with community stakeholders to overcome them.



The keys to success, say practitioners, are good planning, a long-term commitment to eliminating language barriers, and sufficient resources to implement high-quality programs. Under these conditions, improved access can play a critical role in helping LEP residents with their transition to becoming new Americans. As a legislator who helped author several state language access laws observed:

*Everybody benefits if parents are helping their children to do better in school.
Everybody benefits if newcomers know how to access police services, if working immigrants know how to pay their taxes, if senior citizens know how to vote.
Investing in language services makes it possible for new immigrants to participate and contribute to our community.
Ultimately, such investments are to society's benefit.⁸⁴*

5 LANGUAGE ACCESS RESOURCES

As more government agencies adopt language assistance policies, the demand for technical assistance has risen substantially. A number of organizations have created programs to help public agencies become more linguistically accessible.

A key organization is the **National Center on Immigration Integration Policy** (NCIIP), www.migrationinformation.org/integration/, a project of Migration Policy Institute. Since April 2008, NCIIP has overseen the Language Access Practitioners Network, established by The Annie E. Casey Foundation. This network has over 100 government practitioners who are responsible for implementing language assistance programs at the state and local levels, with most working in social services programs. NCIIP offers a number of services for practitioners, including:

- **A Web-Based Language Portal.** NCIIP has developed a digital library of translated documents used by government agencies at the federal, state, and local levels. By facilitating the sharing of translated documents, the library helps public agencies avoid duplicative translations and provides examples of how other public agencies are offering language assistance. This searchable online library contains thousands of documents organized by subject areas such as health, social services, education, and public safety. In addition, searches can specify documents created in a specific state, language, or type of service delivery. In 2008, the library website averaged approximately 9,600 visits per month.⁸⁵
- **Webinar Trainings.** NCIIP offers regular webinars to practitioners on how to implement language access policies. These training are interactive, allowing participants to ask questions, offer comments, and share examples. Past trainings have covered a range of topics including an overview of citywide language access policies; how to set qualifications and utilize multilingual

staff; and how to establish partnerships with community organizations to provide interpreter training and referrals. Audio files of past webinars are available at NCIIP's web site.

- **Articles and Issue Briefs.** NCIIP also produces articles and issue briefs on language access practices, including a Practitioners' Corner with articles written by experts in the field.

Other important language access resource centers and web sites by subject areas are listed below.

General Resources

LEP.gov

www.lep.gov

This interagency website provides information about federal laws affecting limited English proficient persons (primarily Title VI of the Civil Rights Act of 1964), background materials, resources, and links to websites describing promising practices. Documents available at the website include an overview of Executive Order 13166 and commonly asked questions; each federal agency's LEP policy guidance; interpretation and translation resources; and forms for filing discrimination complaints against federal agencies or recipients of federal funding. The *Coordination and Review Section of the Civil Rights Division in the U.S. Department of Justice* (www.usdoj.gov/crt/cor/13166.php) helps coordinate policy development on LEP issues at the federal level, and may be available to answer technical questions or provide guidance about federal recipients' responsibilities to provide LEP individuals with access to their programs. Additional information and assistance are also available from the civil rights offices of most federal agencies.

Courts

National Center for State Courts' Consortium for State Court Interpreter Certification

www.ncsconline.org/D_Research/CourtInterp/CICourtConsort.html

This multi-state partnership helps state and federal courts test and identify qualified individuals to serve as court interpreters. The Consortium develops, standardizes, and regulates court interpreter proficiency tests for its members. As of 2008, over 40 state court systems have joined the Consortium and use its tests to certify court interpreters. By pooling resources, the Consortium helps states overcome the high cost of developing tests, while facilitating the development of national standards for court interpreters. Its other services include:

- Providing technical assistance to individual courts and states to help them improve their court interpreter programs.
- Offering curriculum and training materials for interpreters employed by courts.
- Conducting research and identifying promising policies and practices that facilitate communications between courts and LEP individuals.
- Administering tests in states that have limited experience with identifying qualified court interpreters.
- Providing a forum for members to exchange information and share problems and solutions.

Emergency Preparedness and Law Enforcement

National Resource Center on Advancing Emergency Preparedness for Culturally Diverse Communities

www.diversitypreparedness.org

Based at Drexel University's School of Public Health, the Center provides a comprehensive online database of resources and serves as an information exchange portal to address emergency preparedness issues in ethnically diverse communities. The Center highlights promising programs, practices, and relevant policy developments; offers trainings; and identifies relevant trends in the field. Among other things, its web site offers:

- A catalog of resources, programs, and projects organized by a range of topics, languages, and communities.
- Links to research articles, training, and educational content; resource guides; evaluation tools; translated materials; and other publications.
- Links to federal, state, and local government, as well as private sector, academic, and community-based programs and websites devoted to preparing culturally diverse populations for emergencies.
- A database of translated emergency preparedness materials.
- A monthly e-newsletter describing new publications, resources, and events as well as promising practices, success stories, and policy developments.

Vera Institute of Justice's Center on Immigration and Justice

www.vera.org/cij/cij.html

Vera's Center on Immigration and Justice addresses the growing overlap between criminal justice and immigration issues. Among its projects include *Translating Justice*, an initiative to improve relations and communications between public safety

agencies and immigrant communities. Since 2005, the project has worked with the U.S. Department of Justice's Office of Community Oriented Policing Services (COPS) and several local law enforcement agencies to explore practical strategies for eliminating language barriers in policing. Building on the lessons learned from this project, the Vera Institute is in the process of conducting a national assessment to identify promising language access practices in the policing field. In addition to producing publications, Vera provides ongoing training and technical assistance to law enforcement agencies on how to improve their communications with LEP populations.

Health Care

National Council on Interpreting in Healthcare

www.ncihc.org/mc/page.do

NCIH is a multi-disciplinary organization that promotes culturally competent professional health care interpreting to facilitate equal access to health care services by LEP individuals. It has played a major role in developing and publishing national practice standards and a code of ethics for health care interpreters. Its website contains a number of relevant research papers, a searchable annotated bibliography of research articles on language access issues in health care, a list of regional interpreter associations, and other resources to improve the quality of interpretation in the health care sector.

National Health Law Program's Online Library of Language Access Resources

www.healthlaw.org/library/folder.56882-Language_Access_Resources

The National Health Law Program is a public interest law firm that seeks to improve health care for America's working and unemployed poor, minorities, the elderly, and people with disabilities. Its online library provides extensive information on a number of health-related topics, including research papers, articles, and reports on

improving immigrants' access to health care services. The *Language Access Resources* section of the library offers materials on relevant federal and state language access laws and policies; policy developments at the federal and state levels; promising practices; links to research papers and studies; and links to media coverage of immigrant and health care issues.

The California Endowment's Publication Library

www.calendow.org/Collection_Publications.aspx?coll_id=22&ItemID=312

The California Endowment has been a national philanthropic leader in supporting efforts to improve language access practices in health care. Its online publication library offers a wide range of policy reports, research papers, and practical toolkits aimed at improving LEP patients' access to health services.

ENDNOTES

- 1 The foreign-born population in the United States has gone from 19.8 million in 1990 to over 38 million in 2007. U.S. Census Bureau data from the 1990 decennial Census and the 2007 American Community Survey, available at www.census.gov.
- 2 English language learners are individuals with a first language other than English who are in the process of acquiring English skills.
- 3 2007 American Community Survey, available at www.census.gov.
- 4 *Ibid.* The term “limited English proficient” describes individuals who indicate on Census and other population surveys that they speak English less than “very well.” For analysis of how this information is collected and its methodological validity, see Siegel, Paul, Elizabeth A. Martin, & Rosalind Bruno. 2001. “Language Use and Linguistic Isolation: Historical Data and Methodological Issues,” 167-190 in *Statistical Policy Working Paper 32: 2000 Seminar on Integrating Federal Information and Processes*. Washington D.C.: Office of Management and Budget, available at www.census.gov/srd/papers/pdf/ssm2007-02.pdf (accessed Feb. 9, 2009).
- 5 National Center for ESL Literacy Education. 2003. *Adult English Language Instruction in the 21st Century*. Washington, D.C.: Center for Applied Linguistics.
- 6 McHugh, Margie, Julia Gelatt, and Michael Fix. 2007. *Adult English Language Instruction in the United States: Determining Need and Investing Wisely*. Washington D.C.: Migration Policy Institute.
- 7 Tucker, James Thomas. 2006. *Waiting Times for Adult ESL Classes and the Impact on English Learners*. Los Angeles: NALEO Educational Fund.
- 8 See, e.g., National Center for ESL Literacy Education. 2003. *Adult English Language Instruction in the 21st Century*. Washington D.C.: Center for Applied Linguistics; Wang, Ted. 2007. *Adult Literacy Education in Immigrant Communities: Identifying Policy and Program Priorities for Helping Newcomers Learn English*. Washington D.C.: Asian American Justice Center; Chisman, Forrest P. & JoAnn Crandall. 2007. *Passing the Torch: Strategies for Innovations in Community College ESL*. New York: Council for the Advancement of Adult Literacy; Condelli, Larry, Heide Spruck Wrigley, Kwang Yoon, Stephanie Cronen, and Mary Seburn. 2006. “What Works” Study for Adult ESL Literacy Students. Washington D.C.: American Institutes for Research; and McHugh, Margie, Julia Gelatt, & Michael Fix 2007, *supra* note 5.
- 9 In this report, the terms “LEP” and “English language learners” will be used to describe individuals with limited English skills.
- 10 The terms “language assistance programs” and “language access programs” are used interchangeably in this report. Both refer to programs that communicate with LEP individuals primarily in their native language.
- 11 Interview with Chris Croce, Legal Counsel for the Summit County Sheriff, June 12, 2007. Ms. Croce helped draft her agency’s language assistance policy.
- 12 In 2008, the project was transferred to the National Center for Immigrant Integration Policy of the Migration Policy Institute, which continues to facilitate communications between language access practitioners in the public sector, offer trainings, and provide an online library of translated written documents used by public agencies. See www.migrationinformation.org/integration/language_portal/. A detailed description of this project can be found in the resources section (Chapter 5) of this report.
- 13 Santos, Fernanda. “Mayor Orders New York to Expand Language Help,” *New York Times*, July 23, 2008.
- 14 Title VI of the 1964 Civil Rights Act prohibits recipients of federal funds from, among other things, discriminating on the basis of national origin. 42 U.S.C. Section 2000d. Federal agencies and courts have interpreted this provision to require federal recipients to affirmatively provide access to LEP persons in their programs. For more background on the language access requirements of Title VI, go to a federal intra-agency website at www.lep.gov.
- 15 65 Fed. Reg. 50121 (Aug. 16, 2000). Executive Order 13166 also requires federal agencies to develop procedures for making their direct services accessible to LEP residents.
- 16 See, e.g., Memorandum from Ralph F. Boyd, Jr., Assistant Attorney General, to Heads of Federal Agencies, General Counsels, and Civil Rights Directors, Re: Executive Order 13166 (July 8, 2002), available at www.usdoj.gov/crt/cor/lep/BoydJul82002.htm (accessed July 12, 2007).
- 17 Office of Management and Budget. 2002. *Report to Congress. Assessment of the Total Benefits and Costs of Implementing Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency*, 3-4, available at www.usdoj.gov/crt/cor/lep/omb-lepreport.pdf (accessed June 12, 2008).
- 18 See, e.g., Jacobs, Elizabeth A., Niels Agger-Gupta, Alice Hm Chen, Adam Piotrowski, and Eric J. Hardt. 2003. *Language Barriers in Health Care Settings: An Annotated Bibliography*. Woodland Hills, CA: The California Endowment.
- 19 See Grantmakers In Health. 2003. *In the Right Words: Addressing Language and Culture in Providing Health Care*. Washington, D.C.: Grantmakers in Health; Ku, Leighton and Glenn Flores. 2005. “Pay Now or Pay Later: Providing Interpreter Services in Health Care.” *Health Affairs* 24: 435-444.

- 20 Zehr, Mary Ann. "Translation Efforts a Growing Priority for Urban Schools," *Education Week*, Oct. 8, 2004, available at www.edweek.org/login.html?source=http%3A%2F%2Fsearch.yahoo.com%2Fsearch%3Fp%3Dtranslation%2Bunit%2Beducation%26ei%3DUTF-8%26fr%3Dmoz2&destination=http%3A%2F%2Fwww.edweek.org%2Ffew%2Farticles%2F2004%2F10%2F06%2F06translate.h24.html&levelId=2100&baddebt=false (accessed July 7, 2008).
- 21 Shah, Susan, Insha Rahman & Anita Khashu. 2007. *Overcoming Language Barriers: Solutions for Law Enforcement*. New York: Vera Institute for Justice, available at www.vera.org/overcomelanguagebarriers (accessed Mar. 20, 2008).
- 22 Although more state courts have adopted policies to make interpreters available to LEP parties, the quality of these services has been uneven. See, e.g., The National Asian Pacific American Bar Association. 2007. *Increasing Access to Justice for Limited English Proficient Asian Pacific Americans: A Report for Action*, available at www.napaba.org/uploads/napaba/IncreasingAccessMay07.pdf (accessed Nov. 17, 2008).
- 23 Interviews with Azadeh Khalili, Deputy Commissioner of the New York City Mayor's Office of Immigrant Affairs, Feb. 16, 2007; Jason Reed, LEP Program Manager, Washington State Department of Social and Health Services, Jan. 5, 2006; Judi Cassel, Special Assistant to the Mayor, City of Philadelphia, May 23, 2007.
- 24 "Language Line Services and AT&T Team Up to Connect Businesses with Nation's Culturally Diverse Population," press release, Sept. 14, 2006, available at www.language-line.com/page/news/9/ (accessed October 15, 2008).
- 25 Malhotra, Vivek & Theodore Wang. 2004. *The Language of Business: Adopting Private Sector Practices to Increase Limited-English Proficient Individuals' Access to Government Services*. San Francisco: Chinese for Affirmative Action/Center for Asian American Advocacy, available at www.caasf.org (accessed July 12, 2007).
- 26 Leslie Cauley, "Service Crosses Language Barrier," *USA Today*, Oct. 23, 2006. The buying power of Hispanics, alone, exceeded an estimated \$863 billion in 2007. See David Dodson & Jim Kvicala. Sept. 1, 2006. "Hispanic Will Top All U.S. Minority Groups for Purchasing Power by 2007, according to Annual Buying Power Study from UGA's Selig Center for Economic Growth" (press release). Athens, GA: University of Georgia, available at www.eurekalert.org/pub_releases/2006-09/uog-hwt083106.php (accessed July 12, 2007). Asian-Americans' buying power in 2006 was estimated to be \$427 billion. Humphreys, Jeffrey M. "The multicultural economy 2006." *Georgia Business and Economic Conditions* 66(3):1-14.
- 27 thebigword Group. "Fortune 500 – Multilingual Website", available at www.thebigword.com/Fortune500MultilingualWebsites.aspx (accessed July 9, 2008).
- 28 *Ibid.*
- 29 Louis, Brian. Oct. 30, 2002. "Lowe's Offers Its Online 'How-to' Library in Spanish." *Hispanic Business.com*, available at www.hispanicbusiness.com/news/newsbyid.asp?id=7709 (accessed July 13, 2007).
- 30 More information about the *Your World, Your Language* program is available at www.language-line.com/yourworldyourlanguage.
- 31 California Government Code Sections 7290 et seq.
- 32 California Government Code Section 7291.
- 33 "Public contact positions" are those that require employees to interact with the public on a regular basis.
- 34 State agencies are required to translate documents describing their services or provide information affecting the rights to receive public services or benefits (e.g., applications, letters, or notices). Alternatively, they may provide translation aids, translation guides, or oral assistance in non-English languages in lieu of translating written documents.
- 35 The five percent threshold requirement applies only to state agencies. Local public agencies have discretion to determine when they are to provide services in non-English languages.
- 36 California State Auditor. 1999. *Dymally-Alatorre Act: State and Local Governments Could Do More to Address Their Clients' Needs for Bilingual Services*, available at www.bsa.ca.gov/reports/year/1999 (accessed June 12, 2009).
- 37 For public schools, where 15 percent or more of the students are designated English language learners and share a common primary language, the state requires the translation of forms, notifications, and other informational materials sent to the parents. California Education Code Section 49895.
- 38 See, e.g., California Labor Code Section 105 (requiring the California Labor Commissioner's office to provide free interpreters for administrative hearings and in its other interactions with LEP workers).

- 39 California Department of Social Services Manual CFC, Section No. 21-115, available at www.dss.cahwnet.gov/getinfo/pdf/3cfcman.pdf (accessed Oct 2, 2007).
- 40 California Civil Code Section 1632.
- 41 California Health Safety Code Section 1367.
- 42 Minnesota Statutes, Section 15.441(4)(a), available at www.revisor.leg.state.mn.us/statutes/?id=15.441 (accessed Mar. 21, 2009).
- 43 Rivers, William P. 2002. *State Government Survey of State Departments, Agencies, and Programs – Persons with Limited English Proficiency (LEP), Preliminary Report*. College Park: National Foreign Language Center.
- 44 Maryland Code, Sections 10-1100 et seq.
- 45 Maryland Code Section 10-1103. The statute does not apply to the state’s judiciary or to local governments.
- 46 Executive Order 01.01.2008.18, available at www.governor.maryland.gov/executiveorders/01.01.2008.18eo.pdf (accessed Feb. 5, 2009).
- 47 Funding for this part of the project has been provided by the Annie E. Casey Foundation and The California Endowment.
- 48 Hawaii Revised Statutes, Sections 371-31 et seq.
- 49 “Governor Lingle Signs Language Access Bill.” July 10, 2006. Press Release, available at www.hawaii.gov/news/releases/2006/News_Item.2006-07-10.0410 (accessed June 3, 2007).
- 50 Hawaii Revised Statutes, Section 371-33. These four factors are very similar to the “totality of the circumstances” test that federal agencies use to assess compliance with Title VI of the 1964 Civil Rights Act. For specific guidance on complying with Title VI and examples of how these factors are applied to federally-funded programs, see the various federal agencies’ guidance at www.lep.gov/recipe.html (accessed June 28, 2007).
- 51 The other Task Force recommendations include having the state (1) develop Welcoming Centers for newcomers to help ease the acclimation process and to provide a comprehensive structure for access to essential services such as English language training, health care, employment opportunities, etc.; (2) increase outreach efforts and communicate more effectively with immigrant and refugee communities; and (3) make better use of data in making programmatic and policy decisions affecting newcomers, including information about LEP populations. Office of Governor Rod R. Blagojevich. December 2006. *New Americans Interagency Task Force Report*, available at www.immigrants.illinois.gov (accessed June 28, 2007).
- 52 Each test assesses an interpreter’s proficiency in English and a second language, as well as knowledge of professional ethics. Interview with Jason Reed, LEP Program Manager, Washington State Department of Social and Health Services, Jan. 5, 2006.
- 53 Revised Code of Washington 2.43.
- 54 Interview with Deborah Liu, Director of Oakland’s Office of Equal Access to Services, Dec. 22, 2006.
- 55 In determining the number of limited English-speaking individuals who are “likely” to be served or encountered, an agency is required to consider Census and other demographic information. Section 3(c)(1).
- 56 2005-2007 American Community Survey 3-Year Estimates, available at www.census.gov. A survey conducted by the New York City Department of Education found that 154 languages were spoken in its students’ homes. New York City Department of Education. 2006. *ELLs in New York City: Student Demographic Data Report*, available at <http://schools.nyc.gov/default.aspx> (accessed June 3, 2008).
- 57 HRA, the Administration for Children’s Services, Department of Homeless Services, and Department of Health and Mental Hygiene are required to keep records about the demand for services in non-English languages and their capacity to serve these populations. Specifically, these agencies are required to track:
- The number of LEP individuals served, disaggregated by primary language and type of language assistance needed.
 - The number of bilingual and interpreter staff employed by these agencies, disaggregated by language.
 - Their ability to accurately record the primary language of people who seek their services.
 - A list of documents that have been accurately translated and disseminated.
- 58 City of New York Office of the Mayor, “Citywide Policy on Language Access to Ensure the Effective Delivery of City Services,” Executive Order No. 120, July 22, 2008.

- 59 City of New York Office of the Mayor, "Mayor Bloomberg Signs Executive Order 120 requiring Citywide Language Access," July 22, 2008 press release, available at www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pagelD=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2008b%2Fpr282-08.html&cc=unused1978&rc=1194&ndi=1 (accessed October 31, 2008).
- 60 "Essential public documents" are defined as "those documents most commonly distributed to the public that contain or elicit important and necessary information regarding the provision of basic City services." *Ibid.*, Sec. 2(d)(i).
- 61 Information about the Philadelphia program was provided through multiple interviews with Judi Cassel and Stephanie Tipton, both formerly with Philadelphia's Managing Director's Office (MDO). MDO also worked with the Philadelphia Police Department to develop a comprehensive language access program that includes a department-wide policy on communicating with LEP individuals, specific protocols, and the use of trained volunteer interpreters in non-emergency situations. This program is described in the next chapter.
- 62 The term "substantial number" is not defined in the executive order.
- 63 Capps, Randy, Michael Fix, Julie Murray, Jason Ost, Jeffrey Passel, & Sinta Herwanto. 2005. *The New Demography of America's Schools: Immigration and No Child Left Behind Act*. Washington D.C.: Urban Institute.
- 64 The federal No Child Left Behind Act requires schools to communicate with LEP parents in a meaningful manner about their children's academic performance, their school's performance as measured by the standards of the Act, and their children's educational options.
- 65 Petsod, Daranee, Ted Wang, & Craig McGarvey. 2006. *Investing in Our Communities Strategies for Immigrant Integration*. Sebastopol: Grantmakers Concerned with Immigrants and Refugees, 94 (describing how the test scores of schools in the Logan Square neighborhood of Chicago had increased by 35 percent over a five year period in part because of programs to improve communications with and the engagement of immigrant parents).
- 66 Information from the Los Angeles Unified School District's website at http://notebook.lausd.net/portal/page?_pageid=33,48254&_dad=ptl&_schema=PTL_EP (accessed July 8, 2008).
- 67 www.translationunit.com
- 68 An extensive English/Spanish education glossary is available at its website, www.translationsunit.com (accessed July 23, 2008).
- 69 Tucson Unified School District Policy Regulation KBF-R, *Interpreter and Translator Support Services for Students and Parents/Guardians* (June 24, 2005), available at www.tusd.k12.az.us/contents/depart/interpreter/ma.html (accessed July 9, 2008).
- 70 Interview with Ana Morales, Supervisor of Translation Unit, San Diego Unified School District. The District's Special Education Programs Division also has its own interpreters that are trained to work in the special education context.
- 71 Chancellor's Regulation No. A-663 (Nov. 2, 2007).
- 72 "Critical" document are those that provide information about health, safety, legal, or disciplinary matters, entitlements or placement in any special education program, and permission slips and consent forms. *Ibid.*, Section V(B).
- 73 Summit County Sheriff's Office & City of Lorain Police Department. Undated. *The Summit/Lorain Project – Resource Document for Law Enforcement: Interpretation and Translation Services*, available at www.co.summit.oh.us/sheriff/LEP.pdf (accessed July 14, 2008).
- 74 Incorporating the needs of immigrants and LEP residents into the emergency planning process is a challenge that many localities face. Newcomers are especially vulnerable when disaster strikes due to isolation, limited English skills, and/or limited knowledge about information and resources available during emergencies. The experience of the Vietnamese-American community in the aftermath of Hurricane Katrina, where many families did not know whether to evacuate or where to turn for assistance and safety, was a highly visible reminder of the importance of incorporating newcomers' needs in emergency planning. A number of recent publications offer guidance on how localities can incorporate and address LEP issues in their emergency planning process. Many of these reports can be found at www.diversitypreparedness.org, an online clearinghouse of preparedness resources addressing immigrant and other minority communities' needs. See also Wang, Ted & Luna Yasui. 2008. *Integrating Immigrant Families in Emergency Planning, Response and Relief Efforts*. Baltimore: The Annie E. Casey Foundation and Grantmakers Concerned with Immigrants and Refugees, available at www.gcir.org/publications/gcirpubs/emergency (accessed Nov. 18, 2008).
- 75 Document is available at www.migrationinformation.org/integration/language_portal/Directive%2071%20Limited%20English%20Language%20Proficiency%20%20Plan%20-%20Pennsylvania.pdf (accessed July 14, 2008).
- 76 *Ibid.*, Section II.

- 77 *Ibid.*, Section IV(B).
- 78 www.co.summit.oh.us/sheriff/LEP.pdf (accessed July 14, 2008).
- 79 Schelzig, Eric. Feb 13, 2007. "Nashville Mayor Vetoes Measure Making English Official Language," *Associated Press*, available at <http://abcnews.go.com/US/wireStory?id=2869048> (accessed July 13, 2007).
- 80 Cousins, Juanita. Jan. 23, 2009. "Nashville Rejects English-Only Measure," *Associated Press*, available at www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/01/23/MN9N15FG5O.DTL&type=politics (accessed Feb. 5, 2009).
- 81 Article III, Section 6 of the California Constitution.
- 82 See, e.g., *Gutierrez v. Mun. Ct. of Se. Judicial Dist.* (9th Cir. 1988), 838 F.2d 1031, rehearing denied, 861 F.2d 1187, vacated as moot (on other grounds), 104 L. Ed. 2d 174; California Legislative Counsel Opinion No. 17316, July 9, 2001.
- 83 The Bureau of Census maintains the most comprehensive demographic data for the United States (available at www.census.gov). Cities, counties, and other jurisdictions with populations larger than 65,000 can utilize data from the Bureau's annual American Community Survey to assess their community language needs, while smaller jurisdictions can use information from the decennial Census. These data sets provide detailed language information, including data about languages spoken at home, English language proficiency, and rates of linguistic isolation. The Migration Policy Institute's Immigration Data Hub (www.migrationinformation.org/datahub/) provides extensive foreign-born data at the state level. Another useful website is www.dataplace.org, which contains data from the 1990 and 2000 Census, along with additional demographic, economic, and housing information from a number of other sources. What makes this site unique is that it offers a number of tools to create charts, tables, and maps from demographic data available at the site, or uploading one's own data to utilize the various mapping tools.
- 84 California Board of Equalization Member Judy Chu, as quoted in Petsod, Wang, & McGarvey, 2006, *supra* note 64, 59.
- 85 Interview with Laureen Laglagaron, Migration Policy Institute, May 8, 2009.

APPENDIX A: COMPREHENSIVE STATE LANGUAGE ACCESS POLICIES

Below are links to comprehensive state language access policies, listed in reverse chronological order (i.e., starting with the most recently enacted policies).

Hawaii Revised Statutes Chapter 371, Part II, Language Access
www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0371/HRS_0371-0031.HTM.

Maryland Code Section 10-1100, Equal Access To Public Services for Individuals with Limited English Proficiency
www.michie.com/maryland/lpext.dll?f=templates&fn=main-h.htm&2.0
(requires searching for the code section).

Minnesota Statutes 2007, 15.441, Communications Services
www.revisor.leg.state.mn.us/bin/getpub.php?type=s&num=15.441&year=2007.

Dymally-Alatorre Bilingual Services Act (California)
<http://165.235.116.1/bilingual/dymallyact.htm>.

APPENDIX B: LOCAL COMPREHENSIVE LANGUAGE ACCESS POLICIES

Below are links to local ordinances or mayoral executive orders to develop citywide language access policies, listed in reverse chronological order and grouped by locality. The Washington D.C. policy is the most recently adopted and most comprehensive of the local ordinances. The New York City and Philadelphia mayoral executive orders also contain detailed requirements.

City of New York Executive Order 120: Citywide Policy on Language Access to Ensure the Effective Delivery of City Services
www.nyc.gov/html/imm/downloads/pdf/exe_order_120.pdf

City of New York Local Law 73
www.nyc.gov/html/imm/downloads/pdf/language_access_law.pdf

City of Philadelphia Executive Order 09-08: Access to City Programs and Activities for Individuals with Limited English Proficiency
www.lep.gov/resources/2008_Conference_Materials/PhilaExecOrder0908.pdf

City of Philadelphia Executive Order 04-01: Access to City Programs and Services for Individuals with Limited English Proficiency
www.migrationinformation.org/integration/language_portal/files/Philadelphia%20EO0401.pdf

City of Seattle Executive Order-01-07: Citywide Translation and Interpretation Policy
www.seattle.gov/mayor/executive_orders/EO01-07TranslationInterpretationPolicy1-30-07.pdf

City of Baltimore Mayoral Executive Order, April 27, 2007 (no link available).

Washington D.C. Language Access Act of 2004, District of Columbia Official Code, Government Administration, Chapter 19, Subchapter 2
<http://government.westlaw.com/linkedslice/default.asp?SP=DCC-1000>

City and County of San Francisco Equal Access to Services Ordinance, Chapter 91 of the San Francisco Administrative Code
www.municode.com/Resources/gateway.asp?pid=14131&sid=5

City of Oakland Ordinance No. 12324: Equal Access to Services
www.oaklandnet.com/government/Equalaccess/English/EAOrd.pdf

APPENDIX C: SCHOOL DISTRICT LANGUAGE ACCESS POLICIES

Below are links to two school district policies – Tucson Unified School District and the New York City Department of Education – that have extensive experience communicating with LEP children and parents.

Tucson Unified School District Interpreter and Translator Support Services for Students and Parents/Guardians, Code KBF-R
www.tusd.k12.az.us/contents/govboard/SectK/KBF.pdf.

New York City Department of Education Regulation of the Chancellor, Translations, No. A-663
<http://docs.nycenet.edu/docushare/dsweb/Get/Document-151/A-663%20Translation%203-27-06%20.pdf>.

APPENDIX D: LAW ENFORCEMENT LANGUAGE ACCESS POLICIES

In recent years, many local law enforcement agencies have adopted policies to improve communications with LEP residents. Below are links to local policies that describe specific protocols that law enforcement officers should follow when interacting with LEP individuals. These policies are representative of broader local police departments' efforts to address the communications gap with LEP communities.

Columbus Police Division Directive No. 3.64, Sign/Foreign Language Interpreters
www.columbuspolice.org/Directives/Directives/3.64%20Sign%20and%20Foreign%20Language%20Interpreters.pdf.

Philadelphia Police Department, Directive 71, Limited English Proficiency
www.lawhelp.org/documents/303951Directive_71____LEP_12_06_05_FINAL.doc.

San Francisco Police Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons
www.sfgov.org/site/police_index.asp?id=74362.

Seattle Police Department Policies and Procedures, Section 17.270, Patrol Operations, Interpreter/Translators
www.seattle.gov/police/publications/Policy/SPD_Manual.pdf.

Summit County Sheriff's Office
www.co.summit.oh.us/sheriff/LEP.pdf.

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